"That under Rule 322 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly Rule 243 be suspended in its application to the motion for reference to a Joint Select Committee."

The motion was adopted.

Motion to concur in the Appointment of a Joint Select Committee.

Sri KADIDAL MANJAPPA.—Sir, I beg to move:

"That this House concurs in the appointment of a Joint Select Committee of the two Houses, consisting of a total number of 18 members-12 members from this House and 6 members from the Legislative Council-to consider the Mysore Public Premises (Eviction of Unauthorized Occupants) Bill, 1959 and that the following members of this House shall be members of the Joint Select Committee:

Sriyuts:—

1. E. Pundalikappa
2. M. M. Patil
3. Ramachandra Veerappa
4. Mohamed Shariff
5. N. A. Karilingannanavar
6. G. B. Shankar Rao
7. M. S. Kamtikar
8. K. P. Kurumbayya
9. B. R. Patil
10. B. S. Shankarappa
11. B. G. Khot
12. Smt. Dyavamma."

Mr. DEPUTY SPEAKER.—Motion moved:

"That this House concurs in the appointment of a Joint Select Committee of the two Houses, consisting of a total number of 18 members 12 members from this House and 6 members from the Legislative Council—to consider the Mysore Public Premises (Eviction of Unauthorised Occupants) Bill, 1959 and that the following members of this House shall be members of the Joint Select Committee.

Sriyuts:—

1. E. Pundalikappa
2. M. M. Patil
3. Ramachandra Veerappa
4. Mohamed Shariff
5. N. A. Karilingannanavar
6. G. B. Shankar Rao
7. M. S. Kamtikar
8. K. P. Kurambayya
9. B. R. Patil
10. B. S. Shankarappa
11. B. G. Khot
12. Smt. Dyavamma."

Sri KADIDAL MANJAPPA.—Sir, this is a very simple measure. It is intended to secure certain powers to certain officers of Government to evict unauthorised occupants of Government public premises. Public premises means, any permises belonging to Government or allotted to Government or taken on lease or requisitioned by or on behalf of the Government. Premises means, any land or any building or part of a building and includes the garden, grounds and out-houses, if any appertaining to such building or part of a building, and any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof. When such buildings are unauthorisedly occupied by persons, it is open to the competent officer to issue a notice to show cause against eviction. Unauthorised occupation has been defined in clause 2 (e). It may be occupation of any public premises without any authority or it may be occupation after the expiry of the authority previously granted. When the competent officer comes to know that public premises have been unauthorisedly occupied, as I submitted, a notice can be issued calling upon the unauthorised occupant who claims to have any interest in the premises to show cause why eviction order should not be passed against him. After considering the objections, if any, put forward by the unauthorised occupants and after hearing the evidence adduced by the said persons,

(SRI KADIDAL MANJAPPA)

the competent officer can pass order evicting the unauthorised occupants. After the order is published, within thirty days the unauthorised occupant should vacate the premises, failing which, it is open to the competent officer to take steps to evict such occupant, if need be, by using force.

In the case of persons other than Government employees, it is open to the competent officer to grant time for vacating the premises not exceeding 90 days. If, after eviction, the unauthorised occupant leaves any property on the premises, it is open to the competent officer to sell those properties after due notice and publication. It is also open to the competent officer to deduct the expenses of sale and any other amount due to Government out of the sale proceeds. The competent officer is also empowered tq recover rent or damages in respect of public premises as arrears of land revenue, if the the occupant is in arrears of rent or if the competent officer decides that the unauthorised occupant is liable to p ay damages for the use and occupation of Government building or premises. He can recover such amount after issuing a certificate for the amou•t due to the Deputy Commissioner who will be empowered to collect the arrears of rent or damages as the arrears of land revenue.

2-30 P.M.

Clause 8 provides for the recovery of rent or damages out of the salary or wages payable to Government servants or employees of the local authority. If a Government servant occupies public premises, it is open to the disbursing officer to collect the arrears out of the salary or wages payable to the Government employee. Similary, in the case of employees of the local authorities if that is exactly an agreement agreeing to the condition that the rent or damages can be collected out of the wages or salary payable to him, the arrears may be collected or adjusted out of the salary or wages due to the employee of the local authority.

Clause 10 provides for appeals. An order passed by the competent officer under section 5 or 7 is subject to an appeal to the District Judge or to any other judical officer designated by the District Judge. clause 11 provides for finality of orders. Clause 13 provides for making rules. Some Hon'ble Members were observing that there was no need to refer a Bill of this type, a simple measure to a Joint Select Committee. There are three Bills of this type. The Rent Control Bill, the Acquisition and Requisition Bill and this Bill. I do not mean to say that the deeision of the Joint Select Committee with regard to that Bill depends upon the decision that we are going to arrive at in connection with this Bill. There is some kind of relationship between the three Bills. Therefore, we propose to refer all the three Bills to Joint Select Committees.

Sri G. VENKATAI GOWDA (Palyam).—There ought to have been only one Joint Select Committee.

Sri KADIDAL MANJAPPA.—We can sit and finish for a day or two if the Hon'ble Members are anxious that the Bills should be disposed of during the current session. This is a very simple measure. I commend it for the kind consideration of this House.

ಶ್ರೀ ಜಿ. ಎಚ್. ಪುಟ್ಟಣ್ಣ (ತುಮಕೂರು).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಈ ದಿವಸ ನಮ್ಮ ರೆವಿನ್ಯೂ ಸಚಿವರು ಸಭೆಯ ಮುಂದೆ ಈ ಬಿಲ್ಲನ್ನು ತಂದಿರುವುದಕ್ಕಾಗಿ ನಾನು ಅವರನ್ನು ಹೃತ್ಪೂರ್ವಕವಾಗಿ ವಂದಿಸುತ್ತೇನೆ. ಇದಕ್ಕೆ ಕಾರಣವೇನೆಂದರೆ—ನಮ್ಮ ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಕೋಡಿನ ರೂಲ್ಸನಲ್ಲಿ (4)ನೆಯ ಕ್ಲಾಜಿನ ಪ್ರಕಾರ ಲ್ಯಾಂಡ್‌ಗಳ ಬಗ್ಗೆ ಎಷ್ಟು ತಕರಾರು ತಃಖ್ತೆಗಳನ್ನು ಹಾಕಿರುತ್ತಾರೆಂಬುದು ಮಾನ್ಯ ಮಂತ್ರಿಗಳಿಗೂ ಗೊತ್ತಿರುವ ವಿಚಾರವೇ ಆಗಿದೆ. ಈಗ ಇಲ್ಲ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಸೆಕ್ರೆಟರಿಗಳು ಇಬ್ಬರೂ ಇರುತ್ತಾರೆ. ನಮ್ಮ ಮೈಸೂರು ದೇಶದಲ್ಲಿ ನನ್ನ ಅನುಭವದಲ್ಲಿರುವುದನ್ನೇ ಲೆಕ್ಕಹಾಕಿ ನೋಡಿದರೆ ಲಕ್ಷಾಂತರವಲ್ಲ-ಕೋಟ್ಯಂತರ ರೂಪಾಯಿಗಳ ಬೆಲೆ ಬಾಳತಕ್ಕ ಜಮೀನುಗಳು ಈ ದಿವಸ ಅನ್‌ಆಥರೈಜ್ಡ್ Cultivationಗಳಲ್ಲಿರುತ್ತವೆ.

Sri KADIDAL MANJAPPA.—I may clarify the position. It may not be possible to apply the provisions of the Bill to the agricultural lands. It is intended to apply the provisions to only non-agricultural lands and to buildings belonging to Government.

ಶ್ರೀ ಜಿ. ಎಚ್. ಪುಟ್ಟಣ್ಣ.—ನಾನೀಗ ಅದೇ ವಿಚಾರವನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರಬೇಕೆಂದಿದ್ದೆನು.

ಲಕ್ಷಾಂತರ-ಕೋಟ್ಯಂತರ ರೂಪಾಯಿಗಳ ಬೆಲೆ ಬಾಳತಕ್ಕ ಜಮೀನನ್ನು ಈ ದಿವಸ ಅನೇಕ ಜಮೀನ್ದಾರರು 10-15 ಎಕರೆಗಳಿಗೂ ಮೇಲ್ಪಟ್ಟು ಎನ್‌ಕ್ರೋಚ್ ಮಾಡಿಕೊಂಡು ಬಂದಿದ್ದಾರೆ. ನಾನೇ ಅಂಥ ಅನೇಕ ಸಂದರ್ಭಗಳನ್ನು ಸರ್ಕಾರದವರ ಗಮನಕ್ಕೆ ತಂದು ಕೊಟ್ಟಿದ್ದೇನೆ. ಕ್ಲಾಜ್ (ಬಿ)ನಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ:—

"'Public premises' means any premises belonging to, or allotted to the State Government or taken on lease or requisitioned by, or on behalf of the State Government."

"'Premises' means any land"

ಹೀಗೆಂದು ಹೇಳಿದ್ದಾರೆ. ಈ ಕಾನೂನನ್ನು ತಾವು ಅಗ್ರಿಕಲ್‌ಚರಲ್ ಲ್ಯಾಂಡಗಳಿಗೆ ಅನ್ವಯಿಸದಿದ್ದರೆ ಇದೊಂದು Dead Act ಆಗಿ ಉಳಿಯುತ್ತದೆ. ಆದರೆ ಈಗಲೂ ಸಹ ನಾನು ಈ ತಕರಾರು ತಃಖ್ತೆ ಕೇಸುಗಳಲ್ಲಿ ಸಾವಿರಾರು ಎಕರೆ ಜಮೀನು ಎನ್‌ಕ್ರೋಚ್ ಮಾಡಿಕೊಂಡಿರುವುದನ್ನು ತೋರಿಸಿಕೊಡುತ್ತೇನೆ.

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ನಾವೇನೂ ಕಣ್ಣು ಮುಚ್ಚಿಕೊಂಡು ಕುಳಿತಿಲ್ಲ.

ಶ್ರೀ ಜಿ. ಎಸ್. ಪುಟ್ಟಣ್ಣ.—ಹಾಗಿದ್ದರೆ ನೀವು ಕಂಡೂ ಕಂಡೂ ಏತಕ್ಕೆ ಆ ಎನ್‌ಕ್ರೋಚ್‌ಮಾಡಿಕೊಂಡಿರತಕ್ಕವರ ಬಗ್ಗೆ ಸುಮ್ಮನೆ ಕೈಕಟ್ಟಿಕೊಂಡು ಕುಳಿತಿದ್ದೀರಿ? ಆದುದರಿಂದ ತಾವು ಇದನ್ನು ವ್ಯವಸಾಯದ ಭೂಮಿಗೂ ಅನ್ವಯಿಸಬೇಕು.

ಇನ್ನು ಈ ಅಪಾಯಿಂಟ್‌ಮೆಂಟ್‌ಗಳ ವಿಚಾರಕ್ಕೆ ಬಂದರೆ ಈಗ ಸರ್ಕಾರದವರು ಹೊಸದಾಗೇನಾದರೂ ಅಪಾಯಿಂಟ್‌ಮೆಂಟುಗಳನ್ನು ಮಾಡಿಕೊಳ್ಳಬೇಕೆಂದಿದ್ದಾರೋ ಅಥವಾ ಇರತಕ್ಕವರನ್ನೇ ಈ ಕೆಲಸಕ್ಕೆ ಅಪಾಯಿಂಟ್ ಮಾಡಿಕೊಳ್ಳಬೇಕೆಂದಿದ್ದಾರೋ ಅದು ಗೊತ್ತಾಗುತ್ತಿಲ್ಲ. ಆದರೆ ಅದೇನೋ ಇತ್ತೀಚೆಗೆ ಈ ಅಪಾಯಿಂಟ್‌ಮೆಂಟುಗಳನ್ನು ಮಾಡಬೇಕೆಂಬುದೇ ಒಂದು ದೊಡ್ಡ ಜಾಡ್ಯವಾಗಿ ಹೋಗಿದೆ. ಆದರೆ ಎಷ್ಟೇ ಅಪಾಯಿಂಟ್‌ಮೆಂಟ್‌ಗಳಾದರೂ ಕೆಲಸವೇನೋ ಆಗುತ್ತಿಲ್ಲ.

CLAUSE 4:

"Specify the grounds on which the order of eviction is proposed to be made;"

"If the competent officer is of opinion that any persons are in unauthorised occupation of any public premises and that they should be evicted, the competent officer shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made."

ಹೀಗೆ ಹೇಳಿದ್ದಾರೆ: notice in writing under clause 5 ಎಂದು ಹೇಳಿ ಮತ್ತೊಂದು ಕಡೆ by affixing a notice ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಪ್ರೋಸೆಸ್ ಸರ್ವರುಗಳು ಸಮನುಗಳನ್ನು ಮನೆಗಳ ಮೇಲೆ ಚಿಗಟಾಯಿಸುವಂತೆ ಮಾಡಿದರೆ ಮನೆತನಗಳೆಲ್ಲ ಹಾಳಾಗಿಹೋಗುತ್ತವೆ. ಆದುದರಿಂದ ದಯವಿಟ್ಟು ಈ ಪದಗಳನ್ನು ತೆಗೆದುಹಾಕಿಬಿಡಿ.

Sub-clause (3); "The competent officer shall cause the notice to be served *by having it affixed* on the outer door...or some other conspicuous part of the public premises..."

ಇಲ್ಲಿ ಪ್ರಾಮಿನೆಂಟ್ ಪ್ರಿಮೆಸಿಸ್ ಯಾವುದು? ಈಗ ಯಾವುದೋ ಒಂದು ಜಮೀನಿದೆ. ಅಲ್ಲಿ ಯಾವುದು ಪ್ರಾಮಿನೆಂಟ್ ಜಾಗ ಅನ್ನುವುದು? ಹೀಗೆ ಮಾಡುವುದಾದರೆ ಅನೇಕರ ಮನೆಗಳು ಹಾಳಾಗಿಹೋಗುತ್ತವೆ. ಇದನ್ನು ಖಂಡಿತ ತೆಗೆದುಹಾಕಬೇಕು. ಆದರೆ ಇಲ್ಲಿ 'Serve a notice in writing' ಎಂದು ಹೇಳಿದರೆ ಸಾಲದು. ಅವರಿಗೆ ಪ್ಲೀಡರ್ ಇತ್ಯಾದಿಗಳನ್ನು ನೇಮಿಸಿಕೊಳ್ಳಲು ಅವಕಾಶವಿರಬೇಕು. ಹಾಗಿಲ್ಲದಿದ್ದರೆ ಬಡವರಾಗಿರತಕ್ಕವರಿಗೆ ಅವಿದ್ಯಾವಂತರಿಗೆ ಅಧಿಕಾರಿಗಳ ಮುಂದೆ ಹೋಗಿ ಜವಾಬ್ ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಅವರಿಂದ ಸುಮ್ಮನೆ ಎಡಗೈ ಹೆಬ್ಬೆಟ್ಟಿನ ರುಜು ಹಾಕಿಸಿಕೊಂಡು ಅವನ ತಲೆ ಬೋಳಿಸಿಬಿಡುತ್ತಾರೆ.

Sri KADIDAL MANJAPPA.—I think the Hon'ble Member has got sufficient experience.

ಶ್ರೀ ಜಿ. ಎಸ್. ಪುಟ್ಟಣ್ಣ.—ನಾನು ಹಾಗೆ ಮಾಡಿಲ್ಲ. ಸತ್ತುಹೋಗಿರತಕ್ಕವರಿಗೂ ಸಹ ನೋಟೀಸ್ ಜಾರಿ ಮಾಡಿರತಕ್ಕಂಥಾ ಸಂದರ್ಭಗಳನ್ನು ನಾನು ಮಂತ್ರಿಗಳ ಗಮನಕ್ಕೆ ತಂದಿದ್ದೇನೆ.

ಕ್ಲಾಸ್ ಐದರಲ್ಲಿ:—"Eviction of unauthorised occupants."

ಅದರ ಪ್ರಕಾರ, He must be served with a copy of the order by Registered Post. ಕಾಪಿ ಆಫ್ ದಿ ಆರ್ಡರ್ ಇಲ್ಲದಿದ್ದರೆ ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ಕೆಲವು ಆಫೀಸರ್ಸ್ ಏನು ಮಾಡುತ್ತಾರೆ ಎಂದರೆ ಆರ್ಗ್ಯುಮೆಂಟ್ಸ್ ಹಿಯರ್ ಮಾಡುತ್ತಾರೆ. ಆ ದಿವಸವೇ ಜಡ್ಜ್‌ಮೆಂಟ್ ಪಾಸ್ ಮಾಡುವುದಿಲ್ಲ. ಮೂರು ತಿಂಗಳೋ ಅಥವಾ ಆರುತಿಂಗಳೋ ಆದ ಮೇಲೆ ಹಿಂದಿನ ತಾರೀಖು ಹಾಕಿ ಆರ್ಡರ್ ಪಾಸ್ ಮಾಡುತ್ತಾರೆ. ಅಷ್ಟು ಹೊತ್ತಿಗೆ ಅಪೀಲ್ ಟೈಮ್ ಕಳೆದುಬಿಟ್ಟು ಅವನಿಗೆ ತೊಂದರೆಕೊಡುತ್ತಾರೆ.

"Provided that in the case of any such person who is not a Government employee and who has been in continuous occupation of the Public Premises for a period exceeding three years" ಎಂದು ಅವನಿಗೆ 90 ದಿವಸ ಪರ್ಮಿಷನ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಕ್ಲಾಸ್ 2ರಲ್ಲಿ 30 ದಿವಸ ಕೊಟ್ಟಿದ್ದಾರೆ. Government servantsಗೂ ಬಾಕಿ ಜನರಿಗೆ ಕೊಟ್ಟಹಾಗೆ evictionಗೆ ಮೂರು ತಿಂಗಳು ಕೊಡಿ. ಇಲ್ಲದಿದ್ದರೆ ಬಡವರಿಗೆ ತೊಂದರೆಯಾಗುತ್ತದೆ. "Disposal of property left on public premises by unathorised occupants" ವಿಚಾರದಲ್ಲಿ at least ಒಂದು ನ್ಯೂಸ್ ಪೇಪರ್‌ನಲ್ಲಿ ನೋಟೀಸ್ ಪಬ್ಲಿಷ್ ಮಾಡುತ್ತೇವೆ ಎಂದು ಹೇಳಿದಿರಿ. ಹಾಗೆಯೇ ಎರಡು ಕನ್ನಡ ಪೇಪರುಗಳಲ್ಲಿ ಪಬ್ಲಿಷ್ ಮಾಡಿ.

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಗೌರ್ನಮೆಂಟ್ ಪ್ರಿಮಸಸ್ ಆಕ್ಯುಪೈ ಮಾಡಿರುವವರು ಗೌರ್ನಮೆಂಟ್ ಸರ್ವೆಂಟ್ಸ್ ಇರುತ್ತಾರೆ.

ಶ್ರೀ ಜಿ. ಎನ್. ಪುಟ್ಟಣ್ಣ.—ಕೊನೆಯ ಪಕ್ಷ ಅದನ್ನು ಎರಡು ವರ್ನಾಕ್ಯುಲರ್ ಪೇಪರ್ಸ್ ಎಂದು ಮಾಡಿ. ಇಂಗ್ಲಿಷ್ ಕಂಪ್ಲೀಟಾಗಿ ಎಲ್ಲರಿಗೂ ಬರುವ ಕಾಲಕ್ಕೆ ಆರೀತಿ ಕೊಡಿ. ಈಗ ಎರಡು ವರ್ನಾಕ್ಯುಲರ್ ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಪಬ್ಲಿಷ್ ಮಾಡಿ. ಮೂರು ಕಾಸಿನ ಪೇಪರಿನಲ್ಲೋ ಆರು ಕಾಸಿನ ಪೇಪರಿನಲ್ಲೋ ಕೊಟ್ಟು ಪಬ್ಲಿಷ್ ಮಾಡಿದೆ ಎಂದು ಅವನ ತಲೆ ಬೋಳಿಸಬೇಡಿ. ಕ್ಲಾಸ್ 7ರಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ.

> " Where any person is in arrears of rent payable in respect of any public premises, the Competent officer may, by order, require that person to pay the same within such time and in such instalments as may be specified in orders Persons taking law into their own hands should not be allowed instalments. They must pay then and there. Otherwise Govenment will be encouraging such persons.

ಇನ್‌ಸ್ಟಾಲ್‌ಮೆಂಟ್ಸ್ ಕೊಟ್ಟರೆ ಬಹಳ ತೊಂದರೆಗೆ ಅವಕಾಶವಾಗುತ್ತದೆ. ಸಬ್‌ಕ್ಲಾಸ್ (2)ನಲ್ಲಿ ಬಿಲ್ಡಿಂಗ್ ಡ್ಯಾಮೇಜ್ ಅಸೆಸ್ ಮಾಡುವ ಕಾಲಕ್ಕೆ ಕಾಂಪಿಟೆಂಟ್ ಆಫೀಸರ್ ಒಬ್ಬನೇ ಮಾಡುವುದು ಒಳ್ಳೆಯದಾಗಿ ಕಾಣುವುದಿಲ್ಲ. ಪಬ್ಲಿಕ್ ವರ್ಕ್ಸ್ ಡಿಪಾರ್ಟ್‌ಮೆಂಟನ್ನು ಮತ್ತು ಸುತ್ತಮುತ್ತಿನ ಜನರನ್ನೂ ಕನ್‌ಸಲ್ಟ್ ಮಾಡಬೇಕು ಎಂದು ಹೇಳಬೇಕು. ಬಿಲ್ಡಿಂಗ್ ಡಿಟೇರಿಯೋರೇಟ್ ಆಗಿದ್ದರೆ ಪಬ್ಲಿಕ್ ವರ್ಕ್ಸ್ ಡಿಪಾರ್ಟ್‌ಮೆಂಟ್‌ನವರು ಕರೆಕ್ಟಾಗಿ ಎಸ್ಟಿಮೇಟ್ ಕೊಡುತ್ತಾರೆ. ಅದನ್ನು ಸೇರಿಸಿ ಕ್ಲಾಸ್ (c)ನಲ್ಲಿ It may be recovered as arrears of land revenue ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಅದು ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂಗೆ ಸಂಬಂಧಪಟ್ಟ ಜಮೀನು ಅಲ್ಲ. ಅದು ಫಸ್ಟ್ ಚಾರ್ಜ್ ಅಲ್ಲ. It is not a paramount charge. ಅದನ್ನು ಮಾರುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಕೊಂಡುಕೊಳ್ಳುವುದಕ್ಕೆ ಬಂದವನು ಹಣ ಖರ್ಚು ಮಾಡಿ ಸುಮ್ಮನೆ ಹೋಗಬೇಕಾಗುತ್ತದೆ. You cannot sell the building because it is not a first charge or a paramount charge. It creates a problem to the officers and also to the Government. "Rent to be recovered by deduction from salary or wages of employees" ವಿಚಾರದಲ್ಲಿ ಎಗ್ರಿಮೆಂಟ್ ಮಾಡಬೇಕು ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಲೋಕಲ್ ಬಾಡೀಸ್‌ಗೆ ಸೇರತಕ್ಕ ಲ್ಯಾಂಡ್ಸ್‌ಗೆ ಇದು ಅನ್ವಯಿಸುವುದಿಲ್ಲ. ಬಿಲ್ಡಿಂಗ್ಸ್‌ಗೆ ಆಗುತ್ತದೆ. " Any land" ಎಂದು ಹೇಳುತ್ತಾರೆ. ಹಾಗಾದರೆ "Agricultural land" ಗೂ ಅನ್ವಯಿಸುತ್ತದೆ. ಕ್ಲಾಸ್ (8) (2)ರಲ್ಲಿ "An employee of a local authority who is allotted public premises may execute an agreement in favour of the State Government providing that the local authority by or under whom he is employed" ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಇಲ್ಲಿ "or an employee in the State industries or State aided industries ಎಂದು ಸೇರಿಸಬೇಕು. ಅಂಥಾ concernsನಲ್ಲಿ ಅನೇಕ employees ಇರುತ್ತಾರೆ. ಅವರು ಬಿಲ್ಡಿಂಗ್ಸ್ ಆಕ್ಯುಪೈ ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. For some reason or other he leaves service. Where should he go? ಭದ್ರಾವತಿ ಕಬ್ಬಿಣದ ಕಾರ್ಖಾನೆ ಮತ್ತು ಫರ್ಟಿಲೈಸರ್ ಫ್ಯಾಕ್ಟರಿ ಇಂಥಾ ಕಡೆ ನಡೆಯುತ್ತದೆ. ಲೋಕಲ್ ಅಥಾರಿಟೀಸ್ ಎನ್ನುವ ಕಡೆಯಲ್ಲಿ ಕ್ಲಾಸ್ (2)ರಲ್ಲಿ " or an employee in the State industries or State aided industries" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸಬೇಕು. ಆ ರೀತಿ ರಕ್ಷಣೆ ಕೊಡದಿದ್ದರೆ ಲೇಬರ್ ಟ್ರಬಲಿನಿಂದ ಕೆಲಸ ನಿಂತು ಹೋದರೆ ಅವನು ಏನು ಮಾಡಬೇಕು?

Clause (10) (2) (a) ನಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ: " in the case of on appeal from an order under section 5 within thirty days from the date of publication" ಅದರಿಂದ ಜನರಿಗೆ ಬಹಳ ತೊಂದರೆಯಾಗುತ್ತದೆ " from the date of communication of the order either by serving it personally or by registered post" ಎಂದು ಇರಬೇಕು. ತಮಗೆ ಗೊತ್ತಿರಬಹುದು: ಆರ್ಗ್ಯುಮೆಂಟ್ ಆಗಿ ಆರು ತಿಂಗಳು ಆದಮೇಲೆ ಜಡ್ಜ್‌ಮೆಂಟನ್ನು ಹಿಂದಿನ ತಾರೀಕು ಹಾಕಿ ಬರೆಯುತ್ತಾರೆ ಎಂಬುದು. ಅದನ್ನು ಕನ್‌ಸಿಡರ್ ಮಾಡಬೇಕು. Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time" ಈ ಅವಕಾಶವನ್ನು original appealಗೆ ಕೊಟ್ಟಿಲ್ಲ. ಇಲ್ಲಿ ಮಾತ್ರ serving clause ಕೊಟ್ಟು ಅಲ್ಲಿ ಅದಕ್ಕೆ ಅವಕಾಶ ಕೊಟ್ಟಿಲ್ಲ. Let him have a fair chance. There is nothing wrong in it. ಇನ್ನು Finality of orders defective ಎಂದು ನನ್ನ ಮನಸ್ಸಿಗೆ ಕಾಣುತ್ತದೆ. The District Judge can refer the appeal to any Munsiff Court. But the Munsiff Court is already overburdend with work. The District Judge should, therefore, not be empowered to refer the matter to any other Civil Judge. He must himself deal with appeals. ರೆವಿನ್ಯೂ appellate Tribunalಗೆ ಅಪೀಲು ಹೋಗುವ ಅವಕಾಶ ಇರಬೇಕು.

Sri KADIDAL MANJAPPA.—When there is an order of the District Judge, is it advisable to provide an appeal to the Appellate Tribunal?

Sri G. N. PUTTANNA.—Let not the appeal go to the District Judge. Let it go to the Civil Judge. Then let it go in appeal to the District Judge.

ಸೆಕೆಂಡ್ ಅಪೀಲ್ ಇದ್ದೇಇರಬೇಕು. Otherwise there will be failure of justice.

Sri KADIDAL MANJAPPA.—I do not agree.

Sri G. N. PUTTANNA.—As a Minister you may not agree. But as a human being, as a lawyer, you must agree that there must be two appeals. ಇಲ್ಲದಿದ್ದರೆ ತೊಂದರೆಯಾಗುತ್ತದೆ. ಇದನ್ನು ತಾವು ಆಲೋಚನೆ ಮಾಡಬೇಕು.

ಇಲ್ಲಿರುವ ಕ್ಲಾಸು 12 ರಲ್ಲಿ ಒಂದು ರೀತಿಯ ತೊಂದರೆ ಇದೆ. ಈ ಕ್ಲಾಸಿನಲ್ಲಿ:

> "No suit, prosecution or other legal proceeding shall lie against the State Government or the appellate officer or the competent officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder."

ಎಂಬಿದೆ. ಹೀಗೆ ಅನೇಕ ಆಫೀಸರುಗಳು ಇಙಫ್ಯೂಯನ್ನಿಗೆ ಒಳಗಾಗಿ they do wrong things. ಯಾವ ಲಾ ಪ್ರಕಾರ ಈ ರೀತಿಯಾಗಿ ತಪ್ಪು ಮಾಡಿದ್ದಾರೆ ಎನ್ನುವುದನ್ನು ನೋಡಿ ಶಿಕ್ಷೆಮಾಡಲು ನಿಮಗೆ ಶಕ್ತಿ ಇಲ್ಲ. Your heart is softer than silk, but your words are harder than rock. You should not be so soft to worng-doers. They are ruining the country. There must be a rule to punish the persons who go out of the way.

Some of the ministers have admitted that they are unable to take action against officials. Every person who does a wrong should be punished.

Sri B. BASAVALINGAPPA (Deputy Minister for Home).—The C.C.A. Rules are there.

Sri G. N. PUTTANNA.—The C.C.A. rules are causing ruin to the country and the administration. Supposing a surgeon goes to the operation theatre and the nurse or assistant surgeon refuses to co-operate, can the surgeon fine any one of them even to the extent of one pie? No. This is a deplorable situation indeed. The Amildar cannot fine even a peon, much less suspend him. Has the Government given deep thought to the havoc caused by these rules? The officers do not care to work properly because they have no powers over their subordinates. An impossible situation has thus been created. I thank Sri Basavalingappa for having drawn my attention to these rules. They ought to be changed immediately. The general public is suffering because of the application of these rules. The officers are disinclined to take action on their erring subordinates. The whole thing leads to corruption. The officers in the higher rungs are lenient because they are handicapped. Someone described the C.C.A. rules as Crow-Catching Rules.

Coming to this Bill, Government is attempting to put a steel mask over these officers by making them immune from punishments. If an officer does a wrong there is no remedy to punish him.

Sri KADIDAL MANJAPPA.—The protection applies only to acts done by officers in good faith, and not for *mala fide* acts.

Sri G. N. PUTTANNA.—I know that the knife in the hands of a murderer is different from the knife in the hands of a surgeon. I am not speaking of the acts of honest and sincere officers.

Finally, I would request the Hon'ble Minister to extend the scope of the Bill to agricultural lands also. Today we find that a person owning 5 or 10 acres occupying 20 acres and more and since decades these persons have not been paying land revenue. I have written to the Divisional Commissioner about this matter and he has promised to take action. I would extend support to this Bill on the assumption that the Minister concerned would accept my suggestion to ap ly this Bill in respect of agricultural lands also.

Sri C. K. RAJIAH SETTY (Chicknaikanahalli).—Sir, this Bill has been presented before this House with the ostensible purpose of bringing in uniformity in the laws in the various regions of this State. The Bill as such is no doubt commendable but our experience of the steps taken by Government in its implementation is not very happy. The object of the Bill is to evict unauthorised occupations but there are many instances wherein instead of evicting, Government have legalised unauthorised occupation. For instance in Sira, in a very important

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place in the town, a man encroached upon hundreds of square yards in Government land beside police station but instead of taking action against him, Government went to the extent of giving the same land to him at an upset price. Sri Muckannappa has repeatedly brought this matter before the House and the Government have not been able to refute his charges. If this Bill is going to be used for political manoeuvrings and for selfish party ends, the result would be unfortunate indeed. There are large-scale unauthorised occupations in so many places and I appreciate the spirit of the Bill, but my criticism is only against the manner in which the Bill would be implemented. I must also point out how lazy the Government are in bringing forward such Bills. Why refer this simple piece of legislation to the Select Committee? Is it for delaying the passage of the Bill? We hear that there are over 80 Bills pending to be introduced in this House. We meet hardly for a few months and in this period a few Bills are introduced and even they are to be referred to Select Committees. We hear frequent complaints from Ministers that because of lack of uniformity of laws, administration is hampered. If that is so, Government should hasten to bring in uniformity. But what do we find? Even after three years after the Re-organisation, hardly a handful of laws have been enacted by this House which would bring in uniformity. At this rate when are we going to bring in uniformity of all laws?

The House adjourned for recess at Three of the Clock and re-assembled at Thirty Minutes past Three of the Clock.

[MR. DEPUTY SPEAKER in the Chair.]

SRI C. K. RAJIAH SETTY.—Government should have a firm, impartial and fair attitude in implementing such legislation and then alone the real purpose of such a legislation is served; otherwise there is no use. We have seen on so many occasions how the Government have failed to implement them. More laws or more Acts create more litigations. To serve useful purpose for the people there should be sincere attitude. There should be no question of political manoeuvering and scheming and partial attitude in enforcing laws. We have seen on many occasions that most of these Bills are used for political manoeuvering. If we take one instance of Sira, the concerned Minister will real se how an unauthorised construction has been legalised by giving the land at a low or upset price. That should not be the attitude of the Government.

Coming to the sections of the Bill, I support the Bill wholeheartedly. But accidentally or intentionally, as the Minister expressed, the definition of 'land' does not include agricultural lands. I want that the provisions of this Bill should be extended to them also because extensive lands have been cultivated unauthorisedly and it should be stopped immediately. The provisions of this Bill should be extended even to municipal as well as Co-operative properties. Because, as per the Municipal and Co-operative Societies Acts it has got power to launch a case in a Magistrate's court. But it takes a long time. There are instances where it has taken one, two or three years to complete the case. Unauthorised constructions lead to slums. Clearing slums is a great problem and Government have to spend a lot of funds to clear them up. It is necessary that the provisions of this Bill should be extended both to municipalities as well as to the properties of the Co-operative Societies and to agricultural lands also.

In clause 4 it is stated "issue of notice to show cause against the order of eviction"; there it has not been stated an officer of what rank is to be appointed by Government. After all, the Government may sometimes prefer a local Revenue Inspector or a

Tahsildar. But I wish it should not be below the rank of an Assistant Comissioner. He should be above the rank of an Assistant Commissioner or the Revenue Sub-divisional Officer whomsoever Government may prefer, but it should not be below that rank.

Secondly, as Sri G. N. Puttanna expressed, it is necessary that there should be provision for a second appeal. After all it cannot be completed in one appeal.

This is a good piece of legislation and I support it wholeheartedly. I wish that the Government should take a firm step in implementing this legislation.

With these few remarks I close.

†Sri M. C. NARASIMHAN (Kolar Gold Fields).—On principle there can be no objection to this Bill. But I wonder whether such powers are necessary or as to whether under the existing legislation there are no powers vested in the Government. Whatever it is, the Bill is before us.

As I said earlier, there can be no objection to the principle. It is based on the Hyderabad Act and the Bombay Act. But I have some difficulties. When I see that certain provisions of the Hyderabad Act and also those of the Bombay Act have been embodied, I do not know why they were embodied.

A question has been raised as to whether the definition of 'premises' will not include agricultural land also. As the wording stands, it may lead to the interpretation that it includes agricultural land because the first words are 'any land'. Two other speakers have already stated that it should be applicable to agricultural land also, but my own view is that it should not apply to agricultural land because the problem involved, so far as agricultural land is concerned, is different. The whole question should be tackled in a different way. I agree with Sri Rajiah Setty and Sri Puttanna when they say that the object of the Bill, namely preventing unauthorized occupation and taking penal action against unauthorized occupants, is no doubt good, but from the manner in which it is laid down here, it cannot apply to agricultural land. That is my submission. A separate legislation will have to be there in relation to agricultural lands. If under the existing Land Revenue Code and other laws in force it is not possible to take suitable drastic action and it is not possible for Government to prevent unauthorized occupation, a new law will have to be enacted on entirely different grounds and policies. I would only submit in this connection that though it is possible to argue that the words 'any land' as mentioned in the definition here would include agricultural land also, it is better that departmental instructions are issued to the competent authority that this be confined to urban areas only and not to agricultural lands. In this way I think the difficulty can be got over.

Then, Sir, I was telling that this piece of legislation had left out certain portions of the Hyderabad Act and certain portions of the Bombay Act and so there is a considerable difference between this Bill and those Acts. Under the Hyderabad Act the competent officer was supposed to be an officer of the rank of a Munsiff. I know that the same thing cannot prevail here because of the separation of judiciary from the executive. That may be one of the reasons, but what I want to submit is that the rank of the officer is to some extent important in this matter because he is to be a judicial officer. You will see that though there is no specific clause saying that all proceedings before the competent officer are judicial proceedings, the type of power vested in him and the type of action that he is called upon to take in pursuance of this legislation are necessarily judicial in character. If that is judicial in character, then it is absolutely necessary that we should prescribe certain status relation to the officer.

Sri G. N. PUTTANNA.—I want to know the opinion of the Hon'ble member in this matter. He will see from the definition of premises in clause 2 (c) that it includes 'any land'. That is the difficulty and that is why I say that it applies to agricultural land also. There has been a lot of encroachment of

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these lands by the land-thirsty people and they are causing heavy damage to the lands. So it must be made very clear whether this definition applies to agricultural lands or not.

Sri M. C. NARASIMHAN.—The Revenue Minister who piloted this Bill has stated very clearly that it is not applicable to agricultural land. Even if it is feared that as it stands it might be applicable to agricultural land, the whole difficulty can be got over by instructing the competent officer who is an executive officer under the control of the Government to see that action is taken only in respect of non-agricultural lands and not in respect of agricultural lands.

Sri G. VENKATAI GOWDA.—If the definition is left like that, some person will go to court saying that it includes agricultural lands also.

Sri M C. NARASIMHAN.—A person will go to the court only if action is taken against him. If Government does not take any action against any person in respect of agricultural lands, then there is no reason why anybody should take the matter to a court of law.

Sri G. VENKATAI GOWDA.—Somebod y may file a writ petition in the High Court saying that Government has omitted to take action in respect of an unauthorized occupation of an agricultural land.

Sri M. C. NARASIMHAN.—I do not think anybody would go to court against the failure of Government to take action against somebody. Anyway, I do not want to go further in this matter, but I fully support the sentiments expressed by my colleagues that some authority should be vested with the Government to take drastic action in relation to encroachment of agricultural lands also.

Coming to the difference between this Bill and the Hyderabad and the Bombay Acts, there is a difference between the status of the competent officer under these enactments. If you take clause 4, it contemplates issue of show cause notice. In the Hyderabad Act the grounds on which action should be taken are specifically mentioned in the section itself, but under this Bill the grounds on which such action can be taken are very vague. Under the Hyderabad Act the competent officer can take action in respect of unauthorized occupation. For instance, if there is sub-letting by a Government servant, or if there has been any contravention of any terms of the agreement entered into between the occupant of the house and the Government as the owner of the house, it is possible to take action against the person concerned under the Hyderabad Act, but here it looks as though you cannot take action on those grounds. I cannot understand what are the grounds on which the competent officer can proceed to take action. Should he limit himself to cases of unauthorized occupation or can he go into cases of sub-letting or breach of terms and conditions of the agreement as in the Hyderabad Act? Under the Rent Control Act we find that a land-lord can evict a tenant on several grounds, but so far as this Bill is concerned, the Government do not seem to want those powers to evict a tenant on those grounds which were considered as fair in relation to an ordinary land-lord. I do not see any reason why there should be this distinction. The Hyderabad Act and the Bombay Act have mentioned these grounds, but I do not know why Government have omitted to mention them in this Bill. This point has relevance in relation to another clause.

If you refer to clause 7 (2) it speaks of damages being recovered in respect of unauthorized occupation. It is rather funny because 'unauthorized occupation' is defined in a peculiar way and it includes even the continuance in occupation by any person of the public premises beyond the period for which it was leased to him. Suppose I have taken public premises on lease for 3 years. Then I would be a lawful tenant of the Government for a period of 3 years, but if by chance I happen to continue to occupy the premises even for a day beyond the period of 3 years that would be deemed as unauthorized occupation and for the

occupation for that one day I will have to pay damages. Suppose I have caused some damages to the house leased to me during the period of my tenancy; then Government cannot take any action against me for that damage to the premises, but if I stay for a day more I have to pay damages and Government can take action against me for damages.

Sri G. VENKATAI GOWDA.—For any damage caused to the property even during the period of authorised occupation, one can be proceeded against under the normal law.

Sri M. C. NARASIMHAN.—There is no such provision in this particular piece of legislation. This is supposed to be self contained. If in terms of this law I cannot be proceeded against, I do not know what the Government can do in terms of any other law. I am not referring to any other law here. So far as this Bill is concerned, it does not seem to be properly worded. If action can be taken against me in terms of any other law, then where is the necessity for clause 7 ( ) of this Bill ? That is my difficulty.

Then there is another point which is very important and that has been referred to by my friend Sri Puttanna and others. That is with regard to the manner of service of notice. The provision in this regard in this Bill is different from the provision in the Bombay and the Hyderabad Acts. I think the provision here has been put topsy-turvy. Actually clause 4 (4) should have come before clause 4 (3). Sub-clause (3) says that the competent officer shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the public premises occupied by the unauthorized occupant.

Now, that is one mode of service. The second thing is that without prejudice to this, he can also send a notice by post or otherwise. In fairness to the Government or to the land-lord or anybody, it should be served by a registered post. If the competent officer feels that there is difficulty in the matter of issue of notice when the person is not traceable, it is something. But, this one blank power to issue notice in the manner prescribed in clause 4 (4) is not understandable. This is not a thing on the face of which, it can be treated as ordinary notice at all. When, in the case of landlords, a registered notice ought to be sent to the tenant or to the Rent Controller, etc., there is no reason why that principle should not be adopted in the case of Government. This will go against the accepted principle of justice. As pointed out by my friend, an authorised occupation could be converted immediately into an unauthorised occupation.

The next is clause 5. In section 4 (2) of the Bombay Act, there was a provision for extension of time for any explanation of a show cause notice. For example, when a show cause notice is issued to a Government servant, he may say that he wants some more time to consult his lawyer or get some evidence. There is no such provision here. I do not see any reason why that should be taken away.

Coming to the power to recover rent and damages, in section 4 (6) of the Bombay Act, what was provided was, after the order for recovery of arrears and after the order even for eviction, the Government servants had the right to pay back all the arrears and get the restoration of the tenancy; after paying all the arrears of rent, he can ask the competent authority, "please put me back as a tenant." That has been taken away in this section. I do not know why we should be so hard on a Government servant. That was provided in the Bombay Act and it should be clearly provided here also. I do not know any valid reason for this departure.

Regarding clause 8-rent to be deducted from salary or wages, etc., I have no objection. My only submission is this. The amount of money that should be deducted in any particular month from the salary of a Government servant or a local body servant, should not exceed a particular amount. This is a principle accepted in section 7 of the Central Payment Act. There, it does not refer to Government servants but it applies to the railway employees I know. Accordingly 75 per cent of the salary shall be recoverable and it shall not in any case exceed 75 per

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cent. I do not know why there should be any departure from that section here and I do feel that it is necessary to incorporate such a wholesome protection.

Then, Sir, I do submit that it is necessary to consider the question of incorporating the clause so as to make all proceedings before a competent authority or the appellate authority as judicial proceedings and that is a clause which is already there in Bombay and Hyderabad Acts. I think this is necessary to give certain amount of safeguard, unless the Government has serious objection to it.

Sir, in the Hyderabad Act, there was a provision whereby the High Court could *suo motu* call for the records either from the competent authority or from the District Judge. Instead of second appeal as suggested by my friend, I would suggest that section 7 of the Hyderabad Act which provided or empowered the High Court to call for any records in a particular situation when necessary should be there. I do not know why it should not be incorporated here.

Sir, I am rather surprised that there is no penal provision here. Recovery of damages is not a penal provision at all. After all, any due to Government is capable of being collected as arrears of land revenue. So, it is necessary that there should be a penal clause here. If there is no penal clause, I do not think it is always possible to take stringent action in this matter. In the Bombay and Hyderabad Acts it was provided. I do not see any reason why it should not be provided here also.

There is another point which I would like to touch. There are some Government buildings being occupied by various people. In places like Gulbarga, quarters have been constructed. Some came and occupied them and Government later on stepped in, and made charges. But the point is, while we do agree that it is necessary for Government to take stringent action in the case of unauthorised occupation, it is necessary simultaneously to fix rent in a reasonable way. The Government is outside the purview of the House Rent Controller unless the Select Committee agrees. I do not think the Select Committee will agree to it. If the Government is not prepared to incorporate the rates in the Act itself, it is necessary that a reasonable rent should be fixed while implementing the law.

†SRI F. H. MOHSIN (Hubli City).—Sir, I rise to support the Mysore Public Premises (Eviction of Unauthorised Occupants) Bill, 1959 moved by the Hon'ble Revenue Minister. Members on the opposition have welcomed this measure. They have also offered some useful suggestions to be added to the Bill. Firstly, many of my friends have pointed out a lucuna about the definition of premises. I am of opinion, Sir, that this Bill should not apply to the agricultural lands as proposed by Sri Narasimhan, for some of the provisions like clauses 6, 7 and 8 may not apply or it may be very difficult to apply those provisions to the agricultural lands. If need be, when we will be enacting a uniform land revenue code in the Mysore State, such a provision could be inserted to evict unauthorised occupants of agricultural lands. I propose that on the same policy as it is applicable only to Government premises, it should be made applicable to the premises of local authorities or public or charitable trust properties.

4 P.M.

Even many trust properties are today in the occupation of unauthorised persons and the law regarding trust properties is so complicated that it has not become possible for many of the trustees to evict unauthorised persons. In many cases, the trustees themselves without paying rent are enjoying the property, even when they cease to be trustees under the Trust Act. So much complicated procedure is there and it is very difficult to go to the civil court under the ordinary law and evict such unauthorised persons. As we are careful about Government property, it is our duty to see that the trust property is properly managed and the unauthorised

persons are evicted. In my opinion, 'public premises' should also mean not only the property owned by the Government but also the property owned by the public trust and also by the local authorities. There may be instances where in Government officers are allowed certain building at a certain place and after some period they are transferred from one place to another, but in many cases the Government officers do not shift their families, they keep their families there alone and they only move to other places. It would cause hardship to a new officer who is appointed in his place. Under these contingencies, action will have to be taken under this Act. The occupation by the old officer would become unauthorised, and we can have recourse to law. If a man damages the property within the period of the lease there is ordinary course of law for the Government to recover damages. That does not require a special legislation.

Sri B. VAIKUNTA BALIGA (Mangalore-1).—It is a lease terminable at will no peri d is fixed.

Sri F. H MOHSIN.—There is nothing wrong in the definition of 'unauthorised occupation' mentioned in clause 2.

Then about clause 4 of the Bill. Many of my friends have spoken about the mode of service of the notice. I feel that the mode of service ought to be similar to that of the pro ision mentioned in the Civil Procedure Code. The notice ought to be served on the person personally or on any adult male member of the family or if that is not possible, by substituted service. I would suggest that firstly the notice ought to be served on the person himself or if he is not available, on any adult male member of the family. Clause 4 says that

> "the notice shall require all persons who are, or may be, in occupation of, or claim interest in, the public premises......"

I am unable to understand the expression "claim interest in". There may be hundreds of persons who may 'claim interest in' that. I feel that this Bill would only be a measure for evicting those persons who are in occupation and may not be for those who may 'claim interest.' That may be a question of ordinary law. It is very difficult to ascertain who are the persons who may 'claim interest. It may be indefinite or it may lead to so many complicated questions. We are giving this power to hear the petitions by a competent authority who may be ignorant of legal and complicated procedures of law. A person who may claim interest in such a public property may claim by a verse possession, by ownership and so many other things. It may be very difficult for the competent officer who is contemplated under this Bill to decide that. So it is enough if we confine ourselves to the eviction of the occupants who are in actual possession of the property but it does not go to the extent of even hearing petitions from persons who may claim interest in this property.

I feel that the phrasuolo y in sub-clause (b) of clause 4 i e., 'claim interest in' needs to be deleted.

About the appeal provision in clause 10, as my friends have said, there is only one appeal against the order of the competent officer. But I feel that in some exceptional cases in which points of law are involved, it is better to give revisional powers to the High Court. These powers ought to have been provided for in the Bill. The appela has been provided for only under sections 5 and 7, but surprisingly tho orders under section 7 are not appealable at all. There is provision under section 6:

> "Provided that where the competent officer is unable to decide as to the person or persnos to whom the balance of the amount is payable or as to the apportionment of the same, he may refer such dispute to the civil court of competent jurisdiction and the decisions of the court thereon shall be final."

I think this will be a hardship if we make the original Court, that is the Civil Court, the final authority to decide this matter. Sometimes, the original Court does order and there must be some appellate

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authority even in this case. When the question of balance of amount and the payment of such amount is involved and there are various claims to this amount, I feel it is necessary that there must be an appellate authority to decide this question. The District Court which is empowered to hear appeals against the orders of the competent officers under sections 5 and 7 should also be given power to hear appeals under section 6.

With these suggestions, I welcome the measure and I support the move of the Revenue Minister in this behalf.

Sri G. VENKATAI GOWDA.—The Bill is intended to confer powers on certain officers of Government to evict persons in unauthorised occupation of public premises. The purpose of the Bill is to confer such powers on certain officers. But when I went through the provisions of the Bill, I found that some powers were intended to be conferred on certain officers. Who are those officers will have to be named in a Notification according to Clause 3. My submission is. what is the difficulty of the Government in naming those officers in the Bill itself? Of course it is said that they are gazetted officers. That means we cannot exclude the possibility of any officer being appointed in a notification as a competent officer. Can he exclude the possibility of an Assistant Engineer or a Civil Surgeon who is a gazetted officer or a Commercial Tax Officer who is also a gazetted officer, being appointed as competent Officer for the purposes of this Act? We cannot exclude those possibilities though the Revenue Minister intends only Revenue Officers being appointed as officers competent to take action under this Bill. We may have our own doubts. You cannot rule out the possibility of any other gazetted officer of any category being appointed in this behalf.

Sri KADIDAL MANJAPPA.—Even Headmasters!

Sri G. VENKATAI GOWDA.—Can your Bill exclude that? Even Headmasters who are gazetted officers can be entrusted with this work. It is a great lacuna. So, the Hon'ble Minister may please mention it as 'Revenue Officer', say Tahsildar to take action under this Bill or an Assistant Commissioner as was mentioned by Sri Puttanna. A Tahsildar can do that. Therefore, I suggest, the name has got to be mentioned just to remove or prevent any misuse of power contemplated or intended by this legislation. That is my first submission.

So far as the definition of 'Public premises' is concerned, my friends have already voiced their opinion. It says:

> "'Public Premises' means any premises belonging to, or allotted to the State Government or taken on lease or requisitioned by, or on behalf of the State Government."

Suppose the Government puts in a requisition for a certain place. Before the Government actually takes possession of that property, the interest of the property which has been sought to be requisitioned is said to be vested in the Government. How could the Government say that it has become Government property? My submission is that the property cannot become public premises unless the Government has got some kind of control over the property or interest is vested in the Government or at least the Government occupies and takes possession of the property. So, this latter part of the definition of public premises will not be consistent with the intention and so it is not justifiable to add the words 'or requisitioned by, or on behalf of the State Government'. Supposing the Government puts in a requisition in respect of a property. Will it become the property of the Government no sooner than it puts in a requisition? Therefore I suggest the deletion of the words 'or requisitioned by, or on behalf of the State Government.'

So far as the issue of notice is concerned, several of my friends have spoken about it. The mode contemplated by Civil Procedure Code is the best way and nothing short of it would amount to notice having been duly served. A notice must have been duly served only if it fulfils the requirements contemplated under the Civil Procedure Code.

Sri KADIDAL MANJAPPA.—Please see sub-clause (4).

Sri G. VENKATAI GOWDA.—In sub-clause (4) you have mentioned it. For issue of notice, you are required to send it by registered post and if it is not accepted, then you have got to see that it is personally served. So, it must conform to the requirements laid down by the Civil Procedure Code. The second lacuna that I find here is sub-clause (2) (*b*) of clause 4. In the last sentence it is stated :

> "..... on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof."

So, the unauthorised occupant is required to show cause after 10 days from the issue of notice. Suppose a notice is issued on a certain date. It may not be despatched on that date. Supposing it is despatched after 4 days, it might reach the unauthorised occupant after 10 days. You cannot exclude that possibility. So, it has to be substituted by the expression 'not later than 10 days after the notice has been duly served.' There is no use of putting it as date of issue unless the Government or the officer wants to draw an adverse inference that he has not shown any cause for the notice issued to him. The date of issue is not the criterion. The date of receipt of the notice by the unauthorised person must be taken into consideration. I submit, Sir, that the words "date of issue" will lead to complications and therefore instead of that, the words 'having been duly served' should be inserted. So far as the definition of public premises is concerned, unless you make mention that it is non-agricultural land, it is likely that agricultural holdings also may come into the picture. Suppose a person occupies an unauthorised non-agricultural piece of land and then he converts it into an agricultural piece of land. What happens ? That is another matter which has to be considered by the Hon'ble Minister whether he should take proceedings under this section or any other law prevailing in the State for the time being. So, that is also a matter which has to be taken into consideration. In such cases, what is to happen ? Those things will have to be considered. So far as the disposal of property left on public premises is concerned, they have stated that the competent officer is entitled to remove or cause to be removed or dispose of by public auction any property remaining on such premises. Suppose a man is evicted. Naturally he will take all the properties that are left on the premises from which he is evicted. In case some properties have been left, notice has got to be given to him to remove such property after paying any amount due or by way of damages or whatever it may be to the Government. If he does not give a reply to the show cause notice and does not remove the property after paying the dues to the Government, then the officer competent to do so is entitled to remove the property either through public auction or whatever it is, as contemplated under sub-clause (2), from the premises from which the man is evicted. It is not justifiable for the Government to remove the property and sell it in public auction. The competent officer must give notice to the person evicted to remove the property after paying the dues and when he fails to do so, the competent officer can dispose of the property in the manner he likes. I have got one other doubt. There are plots or premises which have been in continuous enjoyment of persons for a long period. When a persons enjoys a particular plot non-agricultural or agricultural for a long and continuous period of say 15 years openly against the interest of everybody else, he has perfected his title adversely against the owner and the law of prescription comes in. Supposing one person has been openly enjoying a piece of land detrimental to the interest of anybody else or the real owner for such a long period exclusively to himself, then he cannot be evicted by resorting to the provisions of this Bill.

In clause 7, sub-clause 2 it has been stated :

> " Where any person is, or has at any time been, in unauthorised

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occupation of any public premises, the competent officer may, having regard to such principles of assessment of damages ..."

Supposing a person has been in occupation of a piece of land for a hundred years and has been holding it adversely to the interest of the real owner, can the competent officer evict him? He would have perfected his title under the law of prescription and he is the owner for all purposes. Therefore the competent officer should be empowered to evict only persons who were in occupation for periods not exceeding the period of prescription.

Sri KADIDAL MANJAPPA.—In that case the ordinary general law of the land will be applied.

Sri G. VENKATAI GOWDA.—That would not exclude the officers who may be ill-informed, from taking action under the section. For example in my taluk there are thousands of cases where poor ryots have been using Government paramboke lands as back yards, for stocking haystack or manure. Suppose under the provisions of this Bill an officer should evict these people, who have been enjoying the land for hundreds of years. If that is done there may be breach of peace and disturbances would follow. Do we expect these poor people to go to a court and prove that thay have been in adverse possession of the property over hundreds of years? I, therefore, request that the period of unauthorised occupation should be stated in the Act itself.

According to the Bill, if any person does not pay rent or arrears of rent, the competent officer has to refer the matter to the Deputy Commissioner. I suggest that the competent officer himself can be invested with the power of recovering rents under the Revenue Act.

According to clause 8, arrears of rent are recoverable from out of salaries It has been pointed out that this provision should be consistent with the provisions in the Wages Act and also the Civil Procedure Code,

Under the Code certain proportions are fixed for the purpose of attachment of salaries and wages. No rule should be made in this Bill which would be inconsistent with the provisions of the Code.

In regard to appeals, my friend Sri Mohsin has pointed out that it would be desirable to give powers to the High Court for revision *suo motu or* on the application of parties. Otherwise a writ petition has to be filed leading to so many complications.

Section 11 says: "Save as otherwise expressly provided in this Act, every order made by a competent officer or appellate officer under this Act shall be final and shall not be called in question in any original suit, application or execution proceedings".

I fail to understand the implication of this clause. How is it that under Clause 10 a provision is made for appeal to the District Court and under Clause 11 we say that the orders of the competent authority would be final? The two are inconsistent.

Sri KADIDAL MANJAPPA.—The words "save as otherwise expressly provided" may be kept in mind.

Sri G. VENKATAI GOWDA.—If the order of the competent authority is appealable, how can it be said to be final? This should be examined. To say that the act of the competent authority should not be called in question in a court of law is not just and proper. In the case I cited, supposing a man is in adverse possession of property over a hundred years, and due to a misconception of law, the competent authority evicts him, what should the individual do? He can only get a declaration of title in a court of law and he would not be entitled to do so under this provision. This would run counter to the ordinary law. The competent officer is certainly not prevented from taking action for such a person under this law. Therefore I submit, ousting the jurisdiction of the civil court is not justifiable. A regular suit should be allowed for purposes of declaration. If an individual can get a declaration made by a court against

another individual, why should he be prevented from getting such a declaration against the Government? Why this discrimination between individuals and the Government ?

4-30 P.M.

My friend Sri Narasimhan was expressing that there was no penal provision in the Bill. This has got to be considered and some sort of a provision has to be made in order to penalise the persons who are not amenable or against whom action cannot be taken effectively. The Hon'ble Member Sri Mohsin referred incidentally to making this applicable to public trusts and properties of local bodies. It is necessary that there must be provision for that. There are influential persons in the local bodies and so there is no person there to take proceedings against such people. But when such instances are brought to the notice of the Government, they should be competent to take action against those persons in cases where the property lies within the local body limits and properties belonging to public trust.

The properties belonging to local bodies and public trust should be brought within the purview of this Bill.

So far as damages are concerned, it has been said in sub-clause (2) of clause 7.

> "Where any person is, or has any time been, in unauthorised occupation of any public premises, the competent officer may, having regard to such principles of assessment of damages as may be prescribed, assess the damages..."

My submission is that unless a principle is fixed for the determination of damages there is every likelihood of the power being misused. The assessment of the damages must have direct relation to the benefit that accrued to the occupant. It should not be exorbitant or fantastic. Unless you determine the principles by which the assessment has to be made, I fear there is every likelihood of this power being misused. Suppose a man enjoys for 30 years unauthorisedly a plot of one acre ; he may not have derived benefit from the full plot ; he might have used half of it as a backyard and he might not have benefited to that extent. Suppose the a competent officer fixes Rs. 3,000. Is there anything to provide for exemption to the extent the occupant has not been benefited ? Therefore, a principle has to be laid down by which this assessment has to be determined. It must have direct bearing on the benefit that accrued to the unauthorised occupant and therefore that must be provided either in the provisions of the Bill itself or in the rules so as not to give scope for misuse of the powers vested in the competent officers. I submit in this connection that if the Government or the competent officer comes to know or has reason to believe or he has otherwise knowledge that a certain poor raiyat has been denied possession of a plot which he has occupied unauthorisedly and if such plots are not wanted for any community purpose in the village or are not wanted by Government for any other purpose and if those unauthorised occupants deserve those plots to be given to them, then Government must be prepared to confirm them or legalise unauthorised encroachment. My submission is that in very many parts of our State poor raiyats have got certain Government plots and they have made use of them for such a long time and if those plots are not required by Government for any other purpose nor required for any purpose in the village as such, and if these raiyats have got them for *bona fide* purpose and if their use is not objectionable, in such cases the plots have to be confirmed to them or legalised, and patta given in their name. These things have got to be done simultaneously when the question of eviction comes. Therefore I submit that there must be a provision in the clauses to give or confirm or legalise their unauthorised occupation. This Bill could have been disposed of as some of the members observed without referring to a Select Committee, that too a Joint Select Committee. But the Minister was pleased to observe that since

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there is relationship between this Bill and the former Bill this Bill was being referred to a Joint Select Committee. I do not want to express any opinion so far as that point is concerned. I hope that the intention with which this legislation is brought is maintained all through the provisions of the Bill and that a perfect Bill will emerge.

Thank you.

†ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ (ಚಂದ್ರಶೇಖರಪುರ).—ಸ್ವಾಮಿ, ಈ ಮಸೂದಾ ಕಾನೂನಿನ ಉದ್ದೇಶ ಬಹಳ ಶ್ಲಾಘನೀಯವಾಗಿದೆ. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಹಿಂದೆ ಜಾರಿಯಲ್ಲಿದ್ದಂಥ ಒಂದು ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಕೋಡ್‌ನಲ್ಲಿಯೂ ಕೂಡ ಅಕ್ರಮವಾಗಿ ಜಮೀನುಗಳನ್ನು ಆಕ್ರಮಿಸುವುದಕ್ಕೆ, ಅದನ್ನು ಅನುಭವಿಸುವುದಕ್ಕೆ ಒಂದು ವಿಧವಾದಂಥ ಪ್ರೋತ್ಸಾಹವನ್ನೇ ಅದರಲ್ಲಿ ಕೊಟ್ಟು, ಅದರ ದೆಸೆಯಿಂದ ಸುಮಾರು ಒಂದು ಎಕರೆಗೆ ಮೀರದ ಹಾಗೆ ಜಮೀನನ್ನು ಆಕ್ರಮಿಸಿಕೊಂಡು ಅನುಭವಿಸುವುದಕ್ಕೆ ಈ ಒಂದು ಕಾಲದಲ್ಲಿ ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟರು. ಆದರೆ ಜನಗಳಿಗೆ ಒಂದು ಪ್ರೋತ್ಸಾಹ ಸಿಕ್ಕದ ಹಾಗೆ ಈಗಿನ ವಿಧೇಯಕದಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿಲ್ಲವೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ''ಪಬ್ಲಿಕ್ ಪ್ರೆಮಿಸೆಸ್'' ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಇದು ಸರ್ಕಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಯೋಗ್ಯವಾದ ಜಮೀನಿಗೆ ಮಾತ್ರವೇ ಅನ್ವಯಿಸುತ್ತದೋ ಅಥವಾ ಪಟ್ಟಣಗಳಲ್ಲಿರತಕ್ಕ ಸ್ವೈಟುಗಳಿಗೆ ಅನ್ವಯಿಸುತ್ತದೋ ಅಥವಾ ಹಳ್ಳಿಗಾಡುಗಳಲ್ಲಿರತಕ್ಕ ಸ್ವೈಟುಗಳಿಗೆ ಅನ್ವಯಿಸುತ್ತದೋ ಎಂಬುದು ಸ್ಪಷ್ಟವಾಗಿಲ್ಲ.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ (ಚನ್ನಪಟ್ಟಣ).—ಗ್ರೌಂಡ್ ಎಂದು ಇದೆ. ಅದು ಯಾವ ತರಹವಾದರೂ ಆಗಬಹುದು.

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ.—''ಪಬ್ಲಿಕ್ ಪ್ರೆಮಿಸಿಸ್'' ಡೆಫಿನಿಷನ್ ಈ ವಿಧೇಯಕದಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿಲ್ಲವೆಂಬುದನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ನಾನು ಹೇಳುತ್ತಿದ್ದೇನೆ.

Sri KADIDAL MANJAPPA.—Similar definition is to be found in other enactments. There is no intention to apply this law to agricultural lands.

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ.—ವ್ಯವಸಾಯ ಜಮೀನಿಗೆ ಇದು ಅನ್ವಯಿಸುವುದಿಲ್ಲವೇ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಇಲ್ಲ.

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ.—ಆ ರೀತಿ ಇಲ್ಲ ಎಂದು ಹೇಳಿದರೆ ನಾನು ಒಪ್ಪುತ್ತೇನೆ. ಈಗ ಒಂದು ಉದಾಹರಣೆಯನ್ನು ಹೇಳುತ್ತೇನೆ. ಹಳ್ಳಿಗಳಲ್ಲಿ ಕೂಡ ಜಮೀನುಗಳಲ್ಲಿ ಮನೆಗಳನ್ನು ಕಟ್ಟಿದಾರೆ. ಅಂತಹ ಒಂದು ಸಂದರ್ಭ ಬರುತ್ತದೆ. ಒಂದು ವೇಳೆ ಹಳ್ಳಿಗಾಡಿನವರು ಕಾಲಕ್ಕೆ ಸರಿಯಾಗಿ ತಮಗೆ ಬೇಕಾದಂಥ ಜಮೀನನ್ನು ಆಕ್ಕೈರು ಮಾಡಿ ಅಲ್ಲಿ ಅವರಿಗೆ ಮನೆಗಳನ್ನು ಕಟ್ಟುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿಕೊಡದೇ ಇರುವ ಸಂದರ್ಭದಲ್ಲಿ ಅಲ್ಲಿನ ಅಧಿಕಾರಿಗಳು ಏನು ಮಾಡುತ್ತಾರೆಂದರೆ ಹಳ್ಳಿಯವರ ಹತ್ತಿರ ಹೋಗಿ ಜಮೀನು ಆಕ್ರಮಿಸಿಕೊಂಡು ಮನೆ ಕಟ್ಟಿಬಿಡಿ, ಆ ಮೇಲೆ ನೋಡೋಣ ಎಂದು ಪ್ರೋತ್ಸಾಹ ಕೊಟ್ಟ ಹಾಗೆ ನನಗನ್ನಿಸುತ್ತದೆ. ಈ ವಿಷಯವನ್ನು ಸೂಚನೆ ಮಾಡುತ್ತಾ ಈಗ ನಾನು ರೆವಿನ್ಯೂ ಮಂತ್ರಿಗಳಲ್ಲಿ ಒಂದು ಪ್ರಾರ್ಥನೆ ಮಾಡುತ್ತಿದ್ದೇನೆ. ಕೆಲವು ವಿಷಯಗಳನ್ನು ಅವರ ಗಮನಕ್ಕೆ ತರಬೇಕೆಂದಿದ್ದೇನೆ. ಇಂತಹ ಸಂದರ್ಭಗಳು ಬಂದಾಗ್ಯೆ ಸರ್ಕಾರೀ ಜಮೀನುಗಳನ್ನು ಅಕ್ರಮವಾಗಿ ಆಕ್ರಮಿಸಿ ಕೊಂಡಿದ್ದಾನೆಯೋ ಅಥವಾ ಇಲ್ಲವೇ ಎಂಬುದನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ತಿಳಿದುಕೊಂಡು, ಒಂದು ವೇಳೆ ಅಕ್ರಮವಾಗಿ ಜಮೀನನ್ನು ಆಕ್ರಮಿಸಿಕೊಂಡು ಮನೆಗಳನ್ನು ಅಲ್ಲಿಯೇ ಕಟ್ಟಿಕೊಂಡಿದ್ದರೆ, ಅಂತಹವರನ್ನು ಕೂಡಲೇ ಎವಿಕ್ಟ್ ಮಾಡುವುದಕ್ಕೆ ಸರ್ಕಾರೀ ಅಧಿಕಾರಿಗಳಿಗೆ ಪೂರ್ಣಾಧಿಕಾರವಿರುವುದು ಅತ್ಯಗತ್ಯ. ಈಗ ಎಷ್ಟರಮಟ್ಟಿಗೆ ರೆವಿನ್ಯೂ ಅಧಿಕಾರಿಗಳಿಗೆ ಈ ಅಧಿಕಾರವಿದೆಯೆಂಬುದನ್ನು ನಾವು ಯೋಚನೆ ಮಾಡಬೇಕು. ಅವರಿಗೆ ಅಂತಹ ಅಕ್ರಮದಿಂದ ಜಮೀನಿನಲ್ಲಿ ಮನೆ ಕಟ್ಟಿಕೊಂಡವರನ್ನು ಆ ಸ್ಥಳದಿಂದ, ಆ ಜಮೀನಿನಿಂದ ಬಿಡುಗಡೆ ಮಾಡಲಿಕ್ಕೆ ಈಗಿನ ವಿಧೇಯಕದಲ್ಲಿ ನಿಜವಾಗಿ ಅವಕಾಶವಿದೆಯೋ ಇಲ್ಲವೇ ಎಂಬುದನ್ನು ನಾವು ಯೋಚನೆ ಮಾಡಬೇಕು. ಈ ಸಂದರ್ಭದಲ್ಲಿ ನಾನು ಒಂದು ಮಾತನ್ನು ಹೇಳಬೇಕಾಗಿದೆ. ಅವರು ಇಲ್ಲಿಯ ವರೆಗೂ ಸ್ಥಳೀಯ ಅಧಿಕಾರಿಗಳು, ಅವರಿಗೆ ಅಧಿಕಾರ ಪೂರ್ಣವಾಗಿರಲಿ, ಇಲ್ಲದೇ ಇರಲಿ ಅಂತಹ ಅಕ್ರಮಕಾರರನ್ನು ಬಿಡಿಸುತ್ತಿದ್ದ ಕಾಲವಿತ್ತು. ಈಗ ಪ್ರಜಾಪ್ರಭುತ್ವ ಬಂದ ಮೇಲೆ ಅವರಿಗೆ ಆ ಧೈರ್ಯವೇ ಇಲ್ಲ. ಅವರು ಹೋಗಿ ಹೇಳಿದರೆ, ಅನೇಕ ಕೆಲಸಗಳು ಆಗುತ್ತಾ ಇಲ್ಲ. ಅವರ ಮಾತಿಗೆ ಬೆಲೆಯೇ ಇಲ್ಲ. ಹಳ್ಳಿಗಳ ಕಡೆ ಈ ಸ್ಥಿತಿ ಇದೆ. ಅವರು ಮಾಡಿದಂಥ ಇಂತಹ ಅಕ್ರಮಗಳನ್ನು ಮಂತ್ರಿಗಳು ಕೇಳಿ, ಏನಾದರೂ ಪ್ರಾರಂಭೋತ್ಸವ ಮಾಡಬೇಕೆಂದು ಕೇಳಿದರೆ ಸಾಕು, ಅದನ್ನು ಒಪ್ಪಿಕೊಂಡು ಹೋಗಿ ಹಳ್ಳಿಗಳ ಸ್ಥಿತಿಗತಿಗಳನ್ನು ಇನ್ನೂ ಅಕ್ರಮಗೊಳಿಸುವುದಕ್ಕೆ ಪ್ರಯತ್ನವನ್ನೂ ಕೂಡ ಮಾಡಿದ್ದಾರೆ. ಇದು ಎಲ್ಲಿಯವರೆಗೆ ಹೋಗಿದೆ ಎಂಬುದನ್ನು ನಾವು ಯೋಚನೆ ಮಾಡಬೇಕು. ಇಂತಹ ಸಂದರ್ಭಗಳನ್ನು ಅನೇಕ ಸಾರಿ ಮಂತ್ರಿಗಳ ಗಮನಕ್ಕೆ ನಾವು ತಂದಿದ್ದೇವೆ. ಆ ರೀತಿಯಾಗಿರತಕ್ಕ ಸ್ಥಳೀಯ ಅಧಿಕಾರಿಗಳು ಈಗ ಏನಾಗಿದ್ದಾರೆ, ಅವರು ತಮ್ಮ ಕೆಲಸ ಕಾರ್ಯಗಳನ್ನು ಸರಿಯಾಗಿ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾರೆಯೇ ಎಂಬುದನ್ನು ಮಂತ್ರಿಗಳು ತಿಳಿದುಕೊಳ್ಳುವುದಕ್ಕೆ ನಿಜವಾಗಿ ಶ್ರಮವಹಿಸುತ್ತಾರೋ ಇಲ್ಲವೋ ಎನ್ನುವುದೇ ನನಗೆ ಅನುಮಾನವಾಗಿದೆ. ಸಾರ್ವಜನಿಕರು ಏನಾದರೂ ಇಂತಹ ವಿಷಯಗಳಿಗಾಗಿ ಕರೆಯಲು ಬರುವಾಗ, ಅಂತಹ ಕೆಲಸಗಳಿಗೆ ನಾವು ಕೈ ಹಾಕಬಹುದೇ, ಅಥವಾ ಪ್ರಾರಂಭೋತ್ಸವ ಮಾಡಬಹುದೇ, ಮಾಡಬಾರದೇ ಎಂಬುದನ್ನು ಮಂತ್ರಿಗಳಾದವರು ಸ್ವಲ್ಪ ಯೋಚನೆ ಮಾಡಬೇಡವೇ? ಅಕ್ರಮಕ್ಕೆ ಹೋಗುತ್ತಿದ್ದೇನೆಂಬ ಯೋಚನೆಯನ್ನೂ ಸಹ ಅವರು ಮಾಡುವುದಿಲ್ಲ.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ವಿರೋಧ ಪಕ್ಷಗಳವರು ಏನಾದರೂ ಆ ರೀತಿ ಕೇಳಿದರೆ ಆಗ ಎಲ್ಲ ವಿಚಾರಗಳನ್ನು ಚೆನ್ನಾಗಿ ತಿಳಿದುಕೊಂಡು ಬಂದಿರುವ ಸಂದರ್ಭಗಳು ಅನೇಕವಿವೆ.

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ.—ಯಾರಾದರೂ ಅಂಥ ಅಕ್ರಮ ನಡವಳಿಕೆಗಳನ್ನು ಮಾಡುತ್ತಿರುವಾಗ ಅದನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ಖಂಡಿಸತಕ್ಕಂಥ ಜವಾಬ್ದಾರಿಯನ್ನು ಹೊತ್ತಿರತಕ್ಕಂಥ ಮನುಷ್ಯರು ತಾವು

ಮಾತನ್ನೂ ಆಡದೆ, ಅದನ್ನು ಕ್ರಮ ಪಡಿಸದಿರುವುದಷ್ಟೇ ಅಲ್ಲ-ಅದನ್ನೇ ಬಲವಾಗಿ ಕ್ರಮಪಡಿಸಲು ಅವರಿಗೆ ಮತ್ತಷ್ಟು ಬಲಕೊಟ್ಟ ಹಾಗೆ ಆಗುತ್ತದೆಯೆಂಬ ಅಂಶ ವನ್ನು ನಾನೀಗ ತಿಳಿಸುತ್ತಿದ್ದೇನೆ. ಈ ಕಾರ್ಯಗಳನ್ನು ನಾವಾಗೆಯೆ ಅವರಿಗೆ ಧೈರ್ಯದಿಂದ ಮಾಡಲು ಬಲ ಕೊಟ್ಟ ಹಾಗೆ ಆಗುತ್ತದೆ. ಆದುದರಿಂದ ಯಾವ ಯಾವ ಅಧಿಕಾರಿಗಳಿಗೆ ಸರ್ಕಾರದವರು ಈ ಅಧಿಕಾರವನ್ನು ಕೊಡುತ್ತಾರೋ ಅಂತಹ ಅಧಿಕಾರಿಗಳ ಮೂಲಕ ಈ ಕಾನೂನನ್ನು ಅಕ್ಷರಶಃ ಪಾಲಿಸುವಂತೆ ಮಂತ್ರಿಗಳು ಅವರಿಗೆ ಆಜ್ಞೆ ಮಾಡಬೇಕಾಗಿದೆ. ಇಂಥ ಅಕ್ರಮಗಳಿಗೆ ಯಾರೂ ಅವಕಾಶ ಕೊಡಬಾರದು. ಒಂದು ವೇಳೆ ಯಾರಾದರೂ ಒಬ್ಬ ಈ ಸಭೆಯ ಮಾನ್ಯ ಸದಸ್ಯರೇ ಮಂತ್ರಿಗಳ ಬಳಿಗೆ ಬಂದು ತಾವು ಇಂಥ ಒಂದು ಪ್ರಾರಂಭೋತ್ಸವಕ್ಕೆ ದಯಮಾಡಿಸಬೇಕೆಂದು ಕರೆದರೆ ಆ ಸಂದರ್ಭದಲ್ಲಿ ಏನಾದರೂ ಅಕ್ರಮ ನಡವಳಿಕೆಗಳು ನಡೆದಿರುತ್ತವೆಯೋ ಅಥವಾ ಇಲ್ಲವೇ ಎಂಬುದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡದೆ ಆ ಕಾರ್ಯದಲ್ಲಿ ಭಾಗವಹಿಸುವು ದರಿಂದ ಬಹಳ ಅನ್ಯಾಯವಾಗುತ್ತದೆ. ಹೀಗೆ ನಡೆ ಯುತ್ತದೆಂಬ ಅಂಶವನ್ನು ಮಾನ್ಯಮಂತ್ರಿಗಳು ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಗಳು ತಮ್ಮ ಗಮನದಲ್ಲಿಟ್ಟು ಕೊಂಡು ಈ ಕಾನೂನನ್ನು ಜಾರಿಗೆ ತರುವುದು ಒಳ್ಳೆ ಯದೆಂದು ಹೇಳುತ್ತೇನೆ. ತಮ್ಮ ಪ್ರತಿದಿನದ ಕಾರ್ಯ ದಲ್ಲೂ ಈ ನಿಯಮವನ್ನು ಅನುಸರಿಸುತ್ತ ಬರುವುದು ಒಳ್ಳೆಯದೆಂದು ನಾನು ಒಂದು ಎಚ್ಚರಿಕೆಯನ್ನು ಕೊಡುತ್ತಿದ್ದೇನೆ.

†ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ (ಹಿರಿಯೂರು).—ಮಾನ್ಯ ಅಧ್ಯ ಕ್ಷರೇ, ಈ ಮಸೂದೆಯಲ್ಲಿ "ಪ್ರಿಮೆಸಸ್" ಎಂದ ರೇನೆಂಬ ಅರ್ಥವನ್ನು ಸರಿಯಾಗಿ ಕೊಟ್ಟಿಲ್ಲ.

"Public premises means any premises."—

The word 'any' is a word which signified singular; it is almost an adjective which qualifies the noun 'Premises' belonging to, or allotted to the State Government or taken on lease or requisitioned by, or on behalf of the State Government.'

ಹೀಗೆಂದ ಮೇಲೆ ಇದರಲ್ಲಿ ನನಗೆ ಒಂದು ಅನುಮಾನ ಬರುತ್ತದೆ. ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಕೋಡಿ ನಲ್ಲಿ ಕೆಲವು ಸೆಕ್ಷನ್‌ಗಳ ಪ್ರಕಾರ ಕೆಲವು ಜಮೀನುಗಳ ಬಗ್ಗೆ ಪ್ರಜೆಗಳಿಗೆ ಒಂದು ರೀತಿಯ ಹಕ್ಕುಂಟಾಗು ತ್ತದೆ. ಆ ಹಕ್ಕನ್ನು ಈಗ ಈ ಕಾನೂನು ಕಿತ್ತು ಕೊಳ್ಳುವ ಹಾಗೆ ಕಂಡು ಬರುತ್ತದೆ. ಆದುದರಿಂದ ಇದು ನ್ಯಾಯವಾದುದಲ್ಲ. ಯಾವುದಾದರೂ ಒಂದು ಜಮೀನು ಯಾರಾದರೂ ಒಬ್ಬ ಮನುಷ್ಯನ ವಶದಲ್ಲಿ 12 ವರ್ಷಗಳಿಗೆ ಮೇಲ್ಪಟ್ಟಿದ್ದರೆ ಅದರಲ್ಲಿ ಅವನಿಗೆ ಯಾವ ವಿಧವಾದ ಹಕ್ಕಿಲ್ಲದಿದ್ದರೂ ಆ ಜಮೀನಿನ ಬಗ್ಗೆ ಕಂದಾಯ ಇತ್ಯಾದಿಗಳನ್ನು ಆತನಿಂದ ವಸೂಲ್ಮಾಡಿ ಕೊಂಡು ಯಾವುದೋ ಒಂದು ರೀತಿಯಲ್ಲಿ ಆ ಜಮೀ ನನ್ನು ಆತನಿಗೇ ಕೊಡುವಂತೆ ಮಾಡಬೇಕೆಂಬ ನಿಯಮ ಆ ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಕೋಡಿನಲ್ಲಿದೆ. ಅಷ್ಟೇ ಅಲ್ಲದೆ ಈಗ ನನಗೆ ಹಳ್ಳದ ಅಥವಾ ಒಂದು ಹೊಳೆಯ ದಡ ದಲ್ಲಿ ಒಂದು ಜಮೀನಿದ್ದರೆ ಅದರ ಪಕ್ಕದಲ್ಲಿ ಅಲೂ ವಿಯಲ್ ಸಾಯಿಲ್‌ನಿಂದ ಕೂಡಿರತಕ್ಕಂಥ ಭೂಮಿ ಏನಿದೆ ಅದೆಲ್ಲ ಆ ಅಕ್ಕ ಪಕ್ಕದ ಜಮೀನ್‌ದಾರರಿಗೇ ಸೇರಬೇಕೆಂಬ ನಿಯಮವಿದೆ. ಹೀಗೆ ಒಂದು ಕಡೆ ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಕೋಡಿನ ಪ್ರಕಾರ ಸರ್ಕಾರಕ್ಕೆ ಕೆಲವು ಜಮೀನುಗಳನ್ನು ಅವು ಅನ್-ಆಥರೈಸ್ಡ್ ಭೂಮಿ ಗಳಾಗಿದ್ದರೂ ಅವು ಯಾರುಯಾರ ಸುಪರ್ದಿನಲ್ಲಿ ರುತ್ತವೋ ಆ ಭೂಮಿಗಳನ್ನು ಅವರವರಿಗೇ ಕೊಡ ಬೇಕೆಂಬ ನಿಯಮವಿರುವಾಗ ಈಗ ಸರ್ಕಾರದವರು ಇಂಥ ಒಂದು ಮಸೂದೆಯನ್ನು ತರುವುದರಿಂದ ಅನೇಕರಿಗೆ ಇದರಿಂದ ಬಹಳ ತೊಂದರೆಯಾಗುತ್ತದೆ. ಆದುದರಿಂದ ಸರಕಾರದವರು ಈ ಒಂದು ವಿಚಾರದಲ್ಲಿ ತುಂಬಾ ಆಲೋಚನೆ ಮಾಡಬೇಕಾಗಿದೆ. ಆದರೆ ಇಲ್ಲಿ Land includes the Compound ಎಂದು ಬೇರೆ ಹೇಳಿದ್ದಾರೆ. ಇದರ ಅರ್ಥವೇ ಗೊತ್ತಾಗುತ್ತಿಲ್ಲ. ಬರಿಯ ಜಮೀನುಗಳ ವಿಚಾರವಾದರೆ ಅದೊಂದು ರೀತಿ ಎಲ್ಲಾ ಜಮೀನುಗಳೂ ಸರ್ಕಾರದ್ದೇ. ಹೊಲ ಮಾಡ ತಕ್ಕವನು ಕೇವಲ ಒಬ್ಬ ಟೆನೆಂಟ್ ಮಾತ್ರ. ಕಂದಾಯ ಕೊಡುವ ತನಕ ಅವನು ಜಮೀನನ್ನು ಅನುಭವಿಸ ಬಹುದು. ಅದನ್ನು ಕೊಡುವುದು ತಪ್ಪಿ ಹೋದರೆ ಆ ಕೂಡಲೆ ಆತನ ಜಮೀನು ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿ ಬಿಡುತ್ತದೆ. ಆದರೆ ಸರ್ವೆ ನಂಬರುಳ್ಳ ಜಮೀನು ಮಾತ್ರ ಇದರಲ್ಲಿ ಸೇರುವುದಿಲ್ಲ ಎಂಬುದನ್ನು ಹೇಳುವುದಕ್ಕೆ ಹೇಗೆ ಸಾಧ್ಯವಿದೆ ! ಈಗ ಇದರಲ್ಲಿ ನನಗೊಂದು ಏನು ಕಷ್ಟ ಬಂದಿದೆಯೆಂದರೆ—ಬೆಂಗಳೂರಿನಲ್ಲಿ ಯಾರೋ ಒಬ್ಬರು ಒಂದು ಜಮೀನನ್ನು ತೆಗೆದುಕೊಂಡು ಅದನ್ನು ಕನ್‌ವರ್‌ಷನ್ ಮಾಡಿಸಿ ಅಗ್ರಿಕಲ್‌ಚರಲ್ ಲ್ಯಾಂಡನ್ನು ನಾನ್-ಅಗ್ರಿಕಲ್‌ಚರಲ್ ಉದ್ದೇಶಕ್ಕೆ ಎಂದರೆ ಮನೆ ಕಟ್ಟುವುದಕ್ಕೋಸ್ಕರವಾಗಿ ತೆಗೆದು ಕೊಂಡಿದ್ದಾರೆ. ಮೊದಲು ಆ ಜಮೀನಿನಲ್ಲಿ ಹೊಲ-ತೋಟಗಳೆಲ್ಲ ಇದ್ದುವು. ಈ ಹಿಂದೆ ಟೆನೆನ್ಸಿ ಆಕ್ಟನ್ನು ತಂದಿದ್ದಾಗ ಅಲ್ಲಿ ಟೆನೆಂಟಿಗೆ ಭೂಮಿ ಕೊಡಬೇಕೆ—ಬೇಡವೇ ಎನ್ನತಕ್ಕ ಪ್ರಶ್ನೆ ಬಂದಿದ್ದಾಗ ಅಲ್ಲಿ Land ಎಂಬ ಶಬ್ದಕ್ಕೆ ಒಂದು ತರಹ ಅರ್ಥವಿವರಣೆ ಕೊಟ್ಟಿ ದ್ದರು. ಆದರೆ ಈಗ ಇಲ್ಲಿ Land includes a compound ಎಂದು ಹೇಳಿದ್ದಾರೆ. ನಾನು ಹೇಳಿರ ತಕ್ಕ ಆ ಟೆನೆನ್ಸಿ ಬಾಬ್ತು ಲ್ಯಾಂಡ್ ಲಾಲ್‌ಬಾಗ್ ರಸ್ತೆ ಪಕ್ಕದಲ್ಲಿದೆ. ಈಗ ಆ ಜಾಗ ತಕರಾರು ಜಾಗ ವಾಗುತ್ತದೆಯೇ ಅಥವಾ ಇಲ್ಲವೇ ಎಂಬುದು ಗೊತ್ತಾ ಗುತ್ತಿಲ್ಲ. ಆ ಜಮೀನು ಸರ್ವೆ ನಂಬರಲ್ಲ ಎಂದು ಹೇಳುತ್ತೀರಾ ? ಮೊದಲು ಹೊಲ ಮಾಡುತ್ತಿದ್ದ ಜಮೀನಿನಲ್ಲಿ ಈಗ ಹೆಂಡದ ಮರಗಳನ್ನು ಬೆಳಸ ಬಹುದು ; ಮತ್ತೆ ಕೆಲವು ಕಡೆ ಇತರ ಮರಗಳನ್ನು ಬೆಳೆಸಬಹುದು. ಈ ತರಹದ ಜಮೀನುಗಳೂ ಸಹ ಇದರಲ್ಲಿ ಸೇರುತ್ತವೆಯೋ ಏನೋ ಒಂದೂ ಗೊತ್ತಾ ಗುವುದಿಲ್ಲ. ಹೀಗೆಲ್ಲಾ ಇರುವುದರಿಂದ ಇದನ್ನೆಲ್ಲ ಯಾವ ರೀತಿ ಮಾಡಬೇಕೆಂಬುದನ್ನು ಪರಿಶೀಲಿಸ ಬೇಕಾ ದುದು ಅಗತ್ಯ. ಹಾಗೆ ಮಾಡದೆ ಸುಮ್ಮನೆ ಏನೋ ಒಂದು ಆಕ್ಟ್ ಮಾಡುತ್ತೇವೆಂದು ಹೊರಟರೆ ಇದರಿಂದ ಮುಂದೆ ಅನೇಕ ಅನರ್ಥಗಳು ಸಂಭವಿಸುತ್ತವೆ.

ಇನ್ನು ಈ ಬಿಲ್ಲಿನ 7ನೆಯ ಕ್ಲಾಜಿನಲ್ಲಿ Power to recover rent or damages in respect of public premises as arrears of land revenue ಎಂದು ಹೇಳಿದೆ. ಇಲ್ಲಿ ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಎಂದರೆ ಏನು ಅರ್ಥಮಾಡಬೇಕು ? ಇಲ್ಲಿ ಲ್ಯಾಂಡ್ ರೆವಿನ್ಯೂ ಅಂದರೆ ಅಸೆಸ್‌ಮೆಂಟ್ ಎಂದು ಅರ್ಥ ಮಾಡುವುದಕ್ಕೆ ಇದು ಸರ್ವೆ ನಂಬರಿನ ಜಮೀನಲ್ಲ. ಆದಾಗ್ಯೂ ಟೌನ್ ಏರಿಯಾದಲ್ಲೂ ಇರತಕ್ಕ ಭೂಮಿ ಗಳಿಗೂ ಇದು ಅನ್ವಯಿಸುತ್ತದೆಯೇ ಎಂಬುದನ್ನು ಮಂತ್ರಿಗಳು ವಿವರಿಸಬೇಕು. ಆದರೆ ಈ ಬಿಲ್ಲನ್ನು

(ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ)

ಏನೋ ಒಂದು ಆತುರ ಆತುರದಲ್ಲಿ ತಯಾರಿಸಿರುವಂತೆ ಕಂಡು ಬರುತ್ತಿದೆ. ಇದರಿಂದ ಅನೇಕ ಅನರ್ಥಗಳು ಆಗತಕ್ಕ ಸಂದರ್ಭವಿರುವುದರಿಂದ ಇದನ್ನು ದೀರ್ಘವಾಗಿ ಪರಿಶೀಲನೆ ಮಾಡಬೇಕಾದುದು ಅತ್ಯಗತ್ಯ. ಸಲೆಕ್ಟ್ ಸಮಿತಿಯವರು ಈ ವಿಷಯಗಳನ್ನು ಚೆನ್ನಾಗಿ ಪರಿಶೀಲಿಸಬೇಕಾಗಿದೆ. ಈ ಅನುಮಾನಗಳನ್ನೆಲ್ಲಾ ತೆಗೆದು ಹಾಕಿ ಅನಂತರ ಈ ಬಿಲ್ಲನ್ನು ತಂದರೆ ಚೆನ್ನಾಗಿರುತ್ತದೆ. ಇಲ್ಲಿ ಸರ್ಕಾರದವರು ರೆಂಟ್ ಎಂದಿರುವುದಕ್ಕೆ ಏನು ಅರ್ಥ ಮಾಡುತ್ತಾರೋ ಗೊತ್ತಾಗುತ್ತಿಲ್ಲ. ಈ ಬಿಲ್ಲಿನ ಬಗ್ಗೆ ಅನೇಕರು ಮಾತನಾಡಿರಬಹುದು. ನಾನೂ ಸಹ ಅದನ್ನೇ ರಿಪೀಟ್ ಮಾಡುತ್ತಿರಬಹುದು ಇದನ್ನು ವಿಶದೀಕರಿಸುವುದು ಒಳ್ಳೆಯದೆಂದು ಒತ್ತಾಯದಿಂದ ಹೇಳುತ್ತೇನೆ. ಅನ್ ಅಥರೈಸ್ಡ್ ಲ್ಯಾಂಡ್ ಎಂದರೆ ಅದು ಯಾರ ಸ್ವಾಧೀನ ?

ಈ ಅಕ್ರಮ ಸ್ವಾಧೀನ ಎನ್ನುವುದು ಯಾವ ಜಮೀನಿಗೆ ಅನ್ವಯವಾಗುತ್ತದೆ. ಮತ್ತು ಹೇಗೆ ಅನ್ವಯಿಸುತ್ತಾರೆನ್ನುವುದನ್ನು ಕೊಟ್ಟಿಲ್ಲ. Unauthorised ಎಂದರೆ, Eviction ಎಂದು ಅರ್ಥವೇ ? "Public land" ಮಾತ್ರ ಆಗುತ್ತದೆ ಎನ್ನುವ ವಿಚಾರ ಇಲ್ಲವೆ. ಇದರಲ್ಲಿ

> 2. (e) "Unauthorised occupation", in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation, and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever."

ಎಂದಿದೆ. Public premises, ಎನ್ನುವುದರ ಅರ್ಥ ವಿವರಣೆ ಸರಿಯಾಗಿಲ್ಲ. ಜಮೀನಿಗೆ ನಾನು ಟೆನೆಂಟಾಗಿದ್ದರೆ ಅಂತಹ ಸರ್ವೆ ನಂಬರಿಗೆ ಅನ್ವಯವಾಗುತ್ತದೆಯೆ ? ಎನ್ನುವ ಭಾವನೆ ಬರುತ್ತದೆ. ತಾವು ಈ ದಿನ ಈ ವಿಧಾನ ಸೌಧದ ಸುತ್ತಲು ಇರತಕ್ಕ ಜಾಗವನ್ನು ಯಾರಾದರೂ ಅಕ್ರಮವಾಗಿ ಉಪಯೋಗಿಸಿಕೊಳ್ಳುತ್ತಿದ್ದರೆ ಅವರನ್ನು ಓಡಿಸುವುದಕ್ಕಾಗಿ ಇಟ್ಟುಕೊಂಡಿದ್ದಿರಾ ! ಇದು Non-agricultural Lands ಗೆ ಅನ್ವಯವಾಗುತ್ತದೆಯೇ ಇಲ್ಲವೇ ಎನ್ನುವುದನ್ನು ವಿವರಿಸಬೇಕು. ನಾನಾಗಲೇ ಹೇಳಿದ ಹಾಗೆ, ಮುನಿಸಿಪಾಲಿಟಿಯ ಉಪಯೋಗಕ್ಕಾಗಿ ತೆಗೆದು ಕೊಳ್ಳುವ ಜಾಗಕ್ಕೆ Public Premises ಎನ್ನುವ Definition ಆಗುತ್ತವೆಯೆ ಹೇಗೆ ? ಇದನ್ನೆಲ್ಲ Definition ನಲ್ಲಿ ಸರಿಯಾಗಿ ವಿವರಿಸಬೇಕು.

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಸ್ವಲ್ಪ ತಾಳ್ಮೆಯಿಂದ ಬಿಲ್ಲಿನಲ್ಲಿರುವುದನ್ನು ಓದಿದರೆ ಇದಕ್ಕೆ ಅವಕಾಶವೇ ಇರುವುದಿಲ್ಲ.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಓದಿದ್ದೇನೆ. ಇದರಲ್ಲಿರುವ Definitions ಎನ್ನುವ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿ,

2 (2) 'public premises' means any premises belonging to, or allotted to the State Government or taken on lease or requistioned by, or on behalf of the State Government;

(f) "premises" means any land or any building or part of a building and includes—

(i) the garden, grounds and out houses, if any, appertaining to such building or part of a building and,

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof."

ಎಂದಿದೆ. Definition ಎನ್ನುವುದು ಸರಿಯಾಗಿರಬೇಕು. Logic ಎನ್ನುವ ಪುಸ್ತಕದಲ್ಲಿ ಹೇಳಿರುವಂತೆ...

Logic says that while defining, the reason must not conflict with Logic or the conclusion or the deductions.

ಈ ರೀತಿಯಾಗಿ ಇಲ್ಲಿ ಯೋಚನೆ ಮಾಡಬೇಕು. ಕೆಲವು Definable ಕೆಲವು Non-definable ಇರುತ್ತವೆ. ಈ ರೀತಿಯಾಗಿ ಕೆಲಸ ಮಾಡಿದರೆ ಮತ್ತಷ್ಟು ಅನುಮಾನಕ್ಕೆ ಆಸ್ಪದವಾಗುತ್ತದೆ. ಈ unauthorised occupation ಎನ್ನುವುದು ಈಚೀಚೆಗೆ ಬಹಳ ಹೆಚ್ಚಾಗುತ್ತಿದೆ. ಅದರಲ್ಲಿ 1948 ರಿಂದೀಚೆಗೆ ಬಹಳ ಹೆಚ್ಚಾಗಿದೆ. ಏನು ಬೇಕಾದರೂ ಆಗಲೀ ಬಚಾವು ಮಾಡಿಕೊಳ್ಳಬಲ್ಲೆವು ಎನ್ನುವ ಉದ್ದೇಶದಿಂದ ಅಕ್ರಮವಾಗಿ ಸ್ವಾಧೀನಮಾಡಿಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ಏನೋ ಈ ರೀತಿಯಾಗಿ ಹೆಚ್ಚಿನ ಅಕ್ರಮ ಸ್ವಾಧೀನವಾಗುತ್ತದೆ; ಇದನ್ನು ತಪ್ಪಿಸಲು ಈ ರೀತಿಯಾದ ಕಾನೂನನ್ನು ತಂದಿದ್ದಕ್ಕಾಗಿ ಸಂತೋಷಪಡೋಣ. ಸ್ವಾಮಿ, ಇಷ್ಟು ಹೇಳಿ ನನ್ನ ಈ ನಾಲ್ಕು ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri B. VAIKUNTA BALIGA.—Sir, I shall be brief, for I find the Hon'ble Minister was about to stand to reply. Though the matter is going for further consideration, I earnestly appeal to the House and the Hon'ble Minister to see whether this legislation is absolutely essential; it may be helpful. When this legislation was introduced in Bombay, I was told that it was on account of a peculiar situation that arose there. I was told that it was to meet the situation arising out of the refugee problem. Consequent upon partition, a large number of people came to Bombay and some provision had to be made to prevent unauthorised occupations, because under the peculiar circumstances such people occupied premises belonging to Government and local bodies. People occupying Government premises is nothing new. There are provisions, at any rate, in the part of Madras area in the new Mysore State

which is called the Land Encroachment Act. Summary powers are given to the Revenue Department to institute proceedings and evict them. That is really a procedure which can be made applicable to any of the public premises or the Government land. When such a provision is possible, why this complicated machinery of appointing an officer specially for this purpose and that officer giving notice and holding an enquiry after that is brought in here is difficult to understand. One of the points that was mentioned during the debate was that of a person claiming interest in the public premises. Sir, these are all doubts which are created because, so far as the particular point mentioned is concerned, a person who claims interest in the public premises cannot be said to be in occupation in an unauthorised manner.

5 P.M.

At the same time, a person who unauthorisedly, without any right whatever, wantonly steps into public premises and claims an imaginary right in the premises, ousts the jurisdiction of an officer who has to enquire into it. These are all points which are raised in innumerable ways. One thing is certain. To evict an unauthorisep person is a complicated thing and what is more, when the competent authority holds an enquiry and comes to the conclusion that the person is to be evicted, there is right of appeal to the District Court and that right of appeal is sought to be now supplemented by some of the suggestions saying that there must be a right to appeal to the High Court for jurisdiction and other rights. We are trying to create a machinery for solving very simple things. For instance my friend Sri Kenchappa's statement that if a person has been in unauthorised occupation for 12 years, he will get a right and therefore he is to be given some sort of right, is something forgetful of the real position of law. In my opinion, it is unnecessary to create this complicated machinery of an elaborate nature unless it be to meet an extraordinary situation which prevails elsewhere. Therefore, the point which can be considered is, if the machinery is absolutely essential, whether it will not do by extending certain other provisions which are prevailing either in old Mysore or in the integrated area or by saying that this Act do stand extended to such an area or to the whole of the State. Is it necessary that the measure should go to a Joint Select Committee of two Houses and thereafter, all this machinery is to be provided? Wherever there is any hardship, Government has got a discretion. The approach to society is to-day different from what it was when the Land Encroachment Act was passed. If there is a case for Government to hold in certain circumstances that some action other than evicting the person can be taken, let it be done. Wide discretion is vested in Government. All these aspects can be borne in mind. I do not wish to detain the House. I wish to resume my seat so that the Hon'ble Minister might reply and the discussion might come to a close.

Sri KADIDAL MANJAPPA.—Mr. Speaker, Sir, the Hon'ble Members who have participated in the discussion have generally welcomed the measure. They have made certain suggestions which should be considered by the Joint Select Committee. The Hon'ble Member, Sri Baliga threw a doubt whether there was any need at all for a measure like this to be enacted as law. I have not gone through the Land Encroachment Act said to be in force in Mangalore District. Anyhow, a similar law is in force both in Belgaum Division and in Gulbarga Division. I must make it clear once again that it is not the intention of the Government to apply the provisions of this Bill to agricultural land. The word 'premises' is generally used with reference to buildings and lands appurtenant to buildings. If I can narrate my experience during the last seven years, I must submit that it is absolutely necessary to have a legislation of this type. In one case the Government of Mysore had leased a building to a certain person. It took five years to evict that individual from a house he

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was occupying in Bangalore City. We had to avail ourselves of the course of ordinary law, file a suit.

Sri G. VENKATAI GOWDA.—Who is that officer?

Sri KADIDAL MANJAPPA.—Some private person. I can quote several other instances. Hon'ble Members are aware, generally buildings belonging to Government are occupied by employees of Government, in some cases, employees of Government industrial concerns. In a few cases, Government have found it very difficult to evict those persons. Somebody referred to some cases where Government officers even after they are transferred have still occupied the houses and kept their families in those houses. In such cases it is absolutely necessary to have a law which will enable the Government to take action to evict persons in unauthorised occupation of Government premises.

Sri G. VENKATAI GOWDA.—Disciplinary proceedings may be taken against him.

Sri KADIDAL MANJAPPA.—It takes some time. Sri Puttanna has suggested that the procedure envisaged in clause 4 for issuing notices should be amplified by incorporating a clause to the effect that notices should be sent by registered post. The Hon'ble Member Sri Venkatai Gowda and a few others have suggested that the procedure envisaged in the Civil Procedure Code should be adopted for the purpose of serving notices. Sub-clause (4) of clause 4 gives power to the competent officer, when he knows that some persons were in occupation of public premises, to issue notices by post or by delivering or tendering it to that person. I think this provision meets the demand of the Hon'ble Members, but if they are not satisfied, their suggestion may be considered by the Joint Select Committee.

Several Hon'ble Members have suggested that this Bill should be applied to agricultural lands. It is not possible to apply a measure of this type to agricultural lands. Agriculturists and agricultural land should be dealt with on a separate footing altogether.

Sri V. SRINIVAS SHETTY (Coondapur).—Have you got any other law to deal with encroachment of agricultural lands?

Sri KADIDAL MANJAPPA.—Yes. The Land Revenue Code and several orders of the Board of Revenue in Madras and the Land Revenue Code in Hyderabad and Madras do provide for eviction of unauthorised persons so far as these lands are concerned. I concede that in some places unauthorised cultivation has gone on. In fact, in the taluk from which my friend Sri Venkatai Gowda comes, unauthorised cultivation was encouraged in the beginning. That is called 'sivajame cultivation.'

The Government permitted people to occupy Government waste land and to cultivate the land and later on they took steps to regularise the occupation by confirmation. The work of regularisation is going on in Kollegal. Even in those areas where there is no such encroachment, unauthorised cultivation is going on. But recently, the Government have taken a firm decision on the question. We have issued circulars to all our officers asking them to put down unauthorised cultivation in all cases. In some cases, they have launched cases against trespassers.

ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ (ಚಾಮರಾಜನಗರ).—ದೊಡ್ಡವರ ಮೇಲೆ ಏನೂ ಮಾಡುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಬಡವರ ಮೇಲೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುತ್ತಾರೆ.

ಶ್ರೀ ಜಿ. ವೆಂಕಟೇಗೌಡ.—ಪಟ್ಟೆದಾರರ ಮೇಲೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲೇ ಇಲ್ಲ.

Sri KADIDAL MANJAPPA.—The problem in your region is a separate one.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಈಗ ತಾವು ಹೇಳಿದ್ದು ವ್ಯವಸಾಯದ ಭೂಮಿಗೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲ ಎಂದು. ಆದರೆ ಉಪಯೋಗಿಸತಕ್ಕ ಪದಗಳಿಗೆ ಆ ರೀತಿ ಅರ್ಥ ಬರುವುದಿಲ್ಲ. ಹಾಗೆ ಮಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲವೆ?

Sri KADIDAL MANJAPPA.—We have commenced the drive to distribute Government lands within a period of one year. I was submitting to the

House the other day that we had appointed special staff and that we had distributed within a period of 5 or 6 months about 1½ lakhs of acres so far. We hope to distribute the entire available land under the control of the Revenue Department within a period of one year. My friend Sri Hutchemasthi Gowda was pleased to say that the Ministers were invited to perform functions which would encourage regularisation of unauthorised occupations. I must on this occasion observe that if legislators here and politicians outside and Ministers behave properly, I think there will be no need to enact legislation on some of the subjects.

Sri C. J. MUCKANNAPPA (Gubbi).—How can you say that the fault lies with legislators ?

Sri KADIDAL MANJAPPA.—The fault lies with all of us including myself. I did not refer to the legislators here only, but to the political leaders in the locality belonging to all political parties who are trying to convert purely administrative questions into political ones. If 'A' says that a piece of land should be acquired, 'B' says that the piece of another land should be acquired. The officers should be left to perform their functions without any kind of interference.

Sri M. RAMAPPA (Harihar).—It should be left to the discretion of the Deputy Commissioner. Why should he go for inspection of the spot ?

Sri KADIDAL MANJAPPA.—Unless there is a representation from important persons like you that some injustice is done, we won't go.

ಶ್ರೀ ಬಿ. ರಾಚಯ್ಯ.—ಮಂತ್ರಿಗಳು ಅನ್ ಆತರೈಜ್ಡ್ ಕಲ್ಟಿವೇಶನ್‌ಗೆ ಉತ್ತೇಜನ ಕೊಡುತ್ತಾರೆ, ಎನ್ನುವುದು ತಪ್ಪು ಗಮನಕ್ಕೆ ಬಂದಿಲ್ಲವೇ ಎಂದು ಕೇಳಿದ್ದಾರೆ. ಅದಕ್ಕೆ ಏನು ಉತ್ತರ ಹೇಳುತ್ತೀರಿ ?

Sri KADIDAL MANJAPPA.—I am in charge of Revenue Department and I am concerned with agricultural land. I have submitted already that I have issued instructions to put down unauthorised cultivation.

Sri C. J. MUCKANNAPPA.—Sri Hutchamasthi Gowda charged the Ministry that there was some unauthorised occupation of land by some people and that they had accepted the invitation to go and perform an opening ceremony there. We want an answer to that. We want to know whether there was any subsequent sanction by the Deputy Commissioner and how the Minister accepted such an invitation for an unauthorised opening ceremony.

Sri K. PUTTASWAMY.—This is definitely an unauthorised speech.

Sri KADIDAL MANJAPPA.—I quite agree with the Hon'ble Member. Sri Hutchmasthy Gowda did not refer to any instance. So, it is not fair for me to give a definite reply in the absence of definite instances quoted by him.

Sri K. PUTTASWAMY.—Very inconvenient to meet that point.

Sri C. J. MUCKANNAPPA.—Even now, I insist on getting a reply. He did refer to a particular instance where the Revenue Minister accepted an invitation very recently. What does that mean ?

Sri KADIDAL MANJAPPA.—I do not think he said that I accepted an invitation. Anyhow I can take the House into confidence and tell you that I have not encouraged unauthorised cultivation. But on the other hand, I have tried to put down unauthorised cultivation.

Sri C. J. MUCKANNAPPA.—At whose instance did the Hon'ble Minister accept the invitation ? There is no doubt that there was an invitation from the Tumkur District and you accepted it. Why have you accepted such an invitation ?

Sri KADIDAL MANJAPPA.—I did not hear anything about any invitation in his speech. I know what is in your mind.

Sri K. PUTTASWAMY.—Now, we must insist on the Minister telling us plainly what it is.

Sri KADIDAL MANJAPPA.—The Hon'ble Member, Sri Hutchamasthy Gowda was telling when he spoke that Ministers were being invited to take part in certain functions which would have the effect of regularising unauthorised occupations. He did not give

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any specific instance. Therefore, it is not possible for me to give him a definite reply.

Sri K. PUTTASWAMY.—You only refuted it.

Sri KADIDAL MANJAPPA.—I have not tried to regularise unanthorised cultivation. I said, if all Ministers, legislators and politicians outside behave properly, there is no need for some of these enactments.

Sri C. J MUCKANNAPPA.—Is it because legislators, and politicians misbehave that you want this legislation? Then do your officers behave well? It is a reflection on the entire House.

Sri N. HUTCHMASTHY GOWDA.—I asked the Minister why they should not be strong enough to resist the temptation of being influenced by the politicians outside.

Sri KADIDAL MANJAPPA.—I never said that Ministers were being influenced by legislators or politicians. I said that the officers should be left to function according to law without any interference at the hands of the local leaders or local politicians. I shall leave that point at that.

Sri C. J. MUCKANNAPPA.—Is it the politicians and the Assembly Members only who misbehave? And is it the officers only who behave well? While you want to reply to the debate in a way, don't make the entire House suffer humiliation. It is as if their officers behave very well!

Sri KADIDAL MANJAPPA.—Some Hon'ble Members suggested that the provisions of the Bill should be made applicable to lands belonging to local authorities and lands belonging to co-operative societies. I do not think it is necessary to bring under the purview of the Bill such lands or buildings. They can take steps to safeguard their own interests. They are capable of doing so. My friend Sri Venkatai Gowda suggested that lands belonging to trusts should come under the purview of this Bill. There are separate enactments governing the management of trust properties. I do not think there is need for including the trust properties in this Bill.

Sri Mohsin and a few others suggested that there should be a revision provided against the decision of the appeiate authority. As far as possible we must try to reduce litigation. Mostly the Bill affects lands and buildings belonging to Government. I think a decision at the hands of a person of the status of a District Judge is sufficient.

Sri G. VENKATAI GOWDA.—The District Judge may ask another person to do it. Even a Munsiff can do it.

Sri KADIDAL MANJAPPA.—Anyhow the suggestion can be examined by the Joint Select Committee.

Sri Venkatai Gowda asked why the officer is not named in the Bill itself. The Bill makes it clear that only a gazetted officer can be appointed as 'competent officer'.

Sri G. VENKATAI GOWDA.—There are a number of gazetted officers.

Sri KADIDAL MANJAPPA.—My friend must trust Government with some kind of common sense. We cannot think of appointing a lady doctor or a headmaster as competent officer under this Act.

My friend Sri Narasimhan said that the grounds on which the eviction order should be passed were not mentioned, as in the case of other enactments. I think this Bill is an improvement on the two enactments in the Belgaum and Gulburga divisions. There is no need to mention in detail the grounds on which the unauthorised occupant should be evicted. When once it is settled that a person is in occupation of Government property, the question of passing an order on this or that ground is not material.

With regard to the definition of public premises, my friend Sri Kenchappa found fault with the Government that the definition was not clear. Public premises have been defined. The only objection is to the inclusion of land. A doubt has been felt whether it is not possible to bring agricultural land under the definition. In the two enactments that are already in force

similar definition has been incorporated. If there is need we can make it clear that land does not include agricultural land.

Sri Venkatai Gowda raised a very relevant point. He said that under certain other enactments persons in occupation of land secured title by prescription. For instance, under the Land Revenue Code of old Mysore, if a person has been in occupation of Government land for over 12 years, he cannot be easily evicted. The matter has to be examined. I am grateful to the Hon'ble Member for having brought the matter to my notice. The matter will be examined by the Joint Select Committee.

With these words, I commend the Bill to the House.

Mr. DEPUTY SPEAKER.—The question is:

"That this House concurs in the appointment of a Joint Select Committee of the two Houses, consisting of a total number of 18 members—12 members from this House and 6 members from the Legislative Council—to consider the Mysore Public Premises (Eviction of Unauthorised Occupants) Bill, 1959 and that the following members of this House shall be members of the Joint Select Committee:—

Sriyuths:—

1 E. Pundalikappa
2 M. M. Patil
3 Ramachandra Veeappa
4 Md. Shariff
5 Smt. Dyavamma
6 N. A. Karilingannanavar
7 G. B. Shankar Rao
8 M. S. Kamtikar
9 K. P. Kurumbayya
10 B. R. Patil
11 B. S. Shankarappa
12 B. G. Khot."

The motion was adopted.

Mr. DEPUTY SPEAKER.—The House now adjourns and will meet tomorrow at One of the Clock.

The House adjourned at Thirty Minutes past Five of the Clock to meet again at One of the Clock on Wednesday, the 9th December 1959.

WD 1921—GPB—900—3-5-1961